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A group of university presidents and other administrative officials met in July, 1968 to discuss the problem of crime and disorder in the US. There was an expressed need for background information that would be helpful to officials at institutions of higher education who want to develop, reexamine, or redefine a code of student conduct. This report is in response to that need. Statements representing 16 colleges and universities are broken down and arranged by subject matter or topics. The breakdowns include selected portions of official codes of conduct and and relevant sections of speeches and special letters prepared by college presidents, for each of which the source is identified. The report also contains "Proposed Codes With Commentary - Student Conduct and Discipline Proceedings in a University Setting" which contain the recommendations of 16 students and 4 faculty members who participated in a seminar sponsored by the New York University School of Law, and an "Administrator's Handbook," published by the editors of "College and University Business." The final item is "Proposed Legislation Covering Disruptive Activities" in the State of Ohio. There are 43 topics, including freedom of the student press, picketing (and other demonstrations), non-discrimination (and fair housing), police intervention, destruction of property, personal attire, narcotics, alcohol, student conduct regarding federal and state laws and city ordinances, and student organizations. (WM)

ED029568

CODES OF STUDENT CONDUCT

(A Breakdown of Statements of
Sixteen Colleges and Universities)

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

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FOREWORD

As part of a broad and personal effort to curb crime and disorder in the United States, representatives of widely different segments of the nation's community have been brought together during recent months to provide a focal point and a means for centering their respective attention on the problem and for securing the benefits of their experience and views. The first gathering of one of these segments (July, 1968) comprised a group of presidents and other high administrative officials in colleges and universities.

Under the chairmanship of Dr. Alvin C. Eurich, the day-long discussion was penetrating and productive. One of the results of the deliberations was the apparent need for background information that would be helpful to college officials who want to develop or to re-examine and redefine a code of student conduct.

This analysis is in response to that expressed need.

H. Bruce Palmer

INTRODUCTION

There are sixteen colleges and universities represented in the breakdowns in this report. Also included are statements from two other sources:- (1) "Proposed Codes With Commentary - Student Conduct and Discipline Proceedings in a University Setting" which contain the recommendations of sixteen students and four faculty members comprising a seminar sponsored by The New York University School of Law, and (2) "Administrator's Handbook" published by the editors of "College and University Business".

The colleges and universities represented in the breakdowns are of widely different kinds with considerable geographic dispersion. Included in the breakdowns are selected portions of official codes of conduct as well as relevant sections of speeches and special letters prepared by college presidents.

The final item in the report is "Proposed Legislation Covering Disruptive Activities" in the State of Ohio.

Method of Presentation

The breakdowns are arranged by subject matter or "topics". All relevant regulations and procedures (plus, in some cases, the thinking behind them) are reproduced verbatim. In each instance, the source is identified. Under each topic, the statements are reproduced in alphabetical order by institution.

The report contains no commentary because it seems to be unnecessary; the substance, similarities and differences in the regulations and statements speak for themselves.

By way of a Table of Contents a list of the topical headings is produced in the pages immediately following. It is possible that this list may be of value as a checklist.

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INTRODUCTORY - BACKGROUND - OVERALL ATTITUDES

Let me point out that this University was founded by a Prophet of God and attendance here is a privilege, not a right. Those who attend this University must expect to live its standards or forfeit the privilege. This attitude may seem odd in a day when a great number of universities and colleges have abandoned any attempt to supervise the moral lives of their students. We feel, however, that to indulge irresponsible student conduct is to abdicate our role as educators, and we intend to be more exacting than ever to assure the maintenance of law and order and the development of Christian ladies and gentlemen on our campus.

Letter to Parents, Office of the President
Brigham Young University

BYU CODE OF STUDENT CONDUCT

Students who enroll at BYU are expected to maintain and contribute to high standards of honor, integrity, and morality, and consideration for others in personal behavior and to apply Christian ideals in everyday living. The Code of Student Conduct applies to BYU students, both members and non-members of The Church of Jesus Christ of Latter-day Saints, and extends to a student's life both on and off campus.

The University is dedicated not only to learning and the advancement of knowledge but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and policies governing student conduct that encourage individual responsibility and maturity.

Brigham Young University

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The Problems of Discipline and Rules

Our basic assumptions under this heading can be stated this way: While there are always individual variations, students do not acquire maturity instantaneously upon receiving high school diplomas. The concept of adolescence is a valid one. It is also true that for many students the first years of college involve significant changes in their environment. Most young people, however, grow toward maturity, and we believe that the wisest response to this process of maturation and adult socialization is a structure in which negative student conduct rules are gradually and significantly diminished.

We feel, moreover, that the University's emphasis on student conduct matters must, as much as possible, be in the direction of counselling and education. The University's important responsibilities in this area are most effectively and positively discharged through a comprehensive program of counselling and education. Our recommendations below on these points are as much, if not more, the heart of our report as are our recommendations on such matters as curfews and parietal hours. A University, after all, is, or ought to be, far better equipped to serve as a counsellor and educator than as a policeman.

It is nonetheless clear to us that Brown University, as a university community, cannot function without some minimal rules intended to keep order, to maintain, as much as possible, a way of student life that is physically and psychologically healthy, and to preserve satisfactory relations with the larger civil community of which the University is a part. If the University ought not be -- as we believe -- a slave to outside opinions about its reputation, neither can it ignore the fact that it is part of a larger civil community. The interests of the entire University, whether administrators, alumni, Corporation members, faculty, or students, depend on the maintenance of a harmonious and stable relationship with the larger civil community.

Such minimum rules as are formulated ought to be stated as explicitly as possible, though we recognize that effective rules cannot be overelaborate and addressed to every conceivable nuance that might exist in a particular situation. We are opposed to vague rules such as those contained in phrases that make students liable for "ungentlemanly conduct," "conduct unbecoming to a student" or "conduct against the best interests of the institution."

We further believe that disciplinary sanctions for the violation of rules should not be imposed without affording students an opportunity to avail themselves of procedures that make the disciplinary hearing procedurally fair. These procedural safeguards are particularly important when a student faces suspension or dismissal, a severe sanction that, while not a legal punishment in the civil sense, excludes a student from the University community and may have severe consequences for his future personal and professional life. As soon as the University's future student conduct rules and procedures are settled, we urge that revised handbooks be prepared informing students in The College, Pembroke College, and The Graduate School of the established rules and of the procedures by which they are enforced.

Finally, on this subject of discipline and rules, we wish to reiterate again our conviction that positive counselling and educational guidance, rather than negative rules, must be the University's major emphasis. In those cases where sanctions must be imposed the primary concern should be with the quality of life in the University community.

3. The Catch Phrases

Our exploration of student conduct problems put us in contact with a number of phrases that have almost become slogans. The most common of these are "in loco parentis," "double jeopardy," and "no academic punishment for a social offense." Since they are heard frequently, we feel that we should explain why they confuse rather than clarify the understanding of student conduct questions.

The phrase "in loco parentis" presumably means that a university stands, for purposes of control and discipline, in the same relative position to the students as the parents do. But we know of no legal code that imposes such an obligation on the University, and the "in loco parentis" phrase is commonly cited in a disparaging fashion by those who criticize existing student conduct rules and who fear an excessive paternalism on the University's part. In our view, the concept of "in loco parentis" -- if indeed it can be dignified by calling it a concept -- is essentially irrelevant to the problems confronting Brown University. For reasons that we have already noted, a university community such as Brown, which includes young people in various stages of developing maturity, must have a certain number of basic student conduct regulations. It must also express its legitimate concern through counselling and education. But the University, while undoubtedly an "alma mater" to many of its sons and daughters in a certain nostalgic sense, is not equipped to serve as a surrogate parent for its students. Most Brown and Pembroke students are fortunate in having parents, and parental control is properly their -- not Brown University's -- responsibility.

Equally misleading is the phrase "double jeopardy," which is meant to imply that the University violates a student's civil rights if, under any circumstances, it seeks to discipline him for an offense that also leads to a prosecution and possible conviction in the civil courts. Our specific recommendation below (see p.28) makes clear our desire to restrict very carefully the circumstances under which the University may seek to impose sanctions in such situations. The no "double jeopardy" slogan is, however, irrelevant when applied to a university and student conduct problems. The double jeopardy guarantee is a guarantee found in the Fifth Amendment to the Federal Constitution (and in the constitutions of many states) forbidding the Federal Courts to try a man a second time for an offense of which he was acquitted in the first trial. When a university seeks to impose a disciplinary sanction, it is not acting in a legal capacity as a civil trial court; it cannot determine a person to be legally innocent or guilty of an alleged civil crime. A university can determine only one thing -- fitness to be a member of the university community. Tenured members of the faculty, it is well to note, may lose their positions if they commit acts of "moral turpitude, even though such actions may coincidentally result in convictions in the civil courts.

There may occasionally also occur cases of a serious nature in which a student is civilly prosecuted for a serious offense, such as the selling of drugs on campus or assaulting of a faculty member, and yet not be convicted because of legal technicalities in the criminal law. Although we do not recommend that Brown University necessarily seek to impose disciplinary sanctions in such cases, neither do we feel that it can be indifferent to the impact that such behavior may have for the University community. If there is "double jeopardy" in a situation where, for example, a student has acted as a seller of heroin or LSD, it occurs only in the common sense fact that such behavior -- voluntary on the part of the student -- jeopardizes him in terms of courting possible civil punishment and jeopardizes him in terms of casting doubt on his fitness to be a member of a university community.

The final phrase that we address ourselves to is that contained in the expression, "no academic punishment for a social offense." At the outset we wish to make it absolutely clear, as our recommendations below reveal, that we regard the suspension or dismissal of students to be a severe and unusual sanction. It should be relied upon only in cases where there has been a major infraction of a rule and following a hearing that guarantees the fairness of the proceeding. But the phrase, "no academic punishment for a social offense," is not a very helpful one. The denial of membership in the university community is the only ultimate sanction available to that community -- that is to say, suspension or dismissal of the student from both his academic and social environment. The Advisory Committee believes that suspension or dismissal is the only sanction available to a university that makes lesser sanctions meaningful. Academic freedom, moreover, is not involved in cases where, following a procedurally fair hearing, a student is suspended for a semester or longer or is dismissed for a major breach of a student conduct rule that has been stated and defined as clearly as possible.

4. Behavior and Morality in the American University

A university cannot insulate itself from the society of which it is a part. If, for example, general moral standards change within the larger society, this fact will inevitably be reflected in the life of the university. Today it is often said that there is a conflict between the generations as to the appropriate standards on such matters as the use of drugs and sexual behavior. It has been claimed -- joyfully by some persons, regretfully by others -- that the present college generation manifests extremely permissive standards on the use of alcohol and drugs and in sexual behavior. If this is indeed true, a university has neither the power nor the sanctions to reverse these behavioral patterns. It is possible, of course, that the allegedly new standards of morality are more verbal than behavioral, and quite possibly the actual patterns of behavior in, for instance, the sexual side of life are not markedly different from those of college students in, say, the 1920's. Talking has far outpaced doing in many areas of human activity, and it may be that the question of sex attracts a disproportionate and unwarranted amount of attention in private discussions as well as in the news media.

Assuming for the moment that moral standards with regard to alcohol, drugs, and sex are changing, what should a university's response be? If radically permissive standards of behavior are indeed emerging, there is no need for a university to endorse them. A university, after all, is composed of members of our contemporary society, and such a university community cannot be expected to establish codes of behavior that differ radically from contemporary moral standards. A university can be expected to serve as a continuous forum where the consequences of certain kinds of behavior are evaluated in the light of student interests and problems.

We do not believe that a university's policy in these difficult areas can, or should, be a policy guided by a single consistent principle applied uniformly to alcohol, drugs, and sex in every specific case that may arise. What is desirable and feasible on the matter of alcohol may not necessarily be applicable to the matter of drugs, nor to the matter of sexual behavior.

It is sometimes said that a university should have no concern whatsoever with the "private" behavior of students, so long as that behavior does not violate the rights of others. This formulation, which we regard as over-simplistic, is apparently derived from John Stuart Mill's writings, particularly his essays "On Liberty" and "Representative Government." Mill attempted to define sharply two kinds of human behavior, "self-regarding" actions, which had a purely personal impact on the doer and ought not therefore be externally controlled, and "other-regarding" actions, which had social consequences and could properly be regulated by law. Mill's own writings, however, demonstrate that this distinction breaks down quickly. Virtually all human actions, except perhaps those of hermits, have consequences for others and for society at large. The serious students of Mill's political philosophy, including such impeccably liberal and distinguished political theorists as Professor David Spitz of The Ohio State University, have demonstrated that the self-regarding/other-regarding distinction is valueless. The lesson of Mill's writing is that, ultimately, there are only "public-regarding" actions, and the question then becomes, which of these actions should be subjects of concern and of regulation.

In the final analysis Brown University cannot (and should not if it could) dictate personal behavior in the policy areas of alcohol, drugs, and sex; but it should have some minimum rules, not only for the important and valid purpose of maintaining order on its campus, but also because there are a number of legitimate considerations that deserve recognition. Principal among these are a due regard for the welfare of its students, the prevailing customs of the University community, the customs and laws of the City, State, and Nation in which we are located, and a common sense (but no slavish) concern for the University's reputation in the local community and in the nation. In a "real world" in which "self-regarding" actions are at once "other-regarding," and in which the difficult behavioral and moral questions surrounding the use of alcohol, drugs, and sex do not lend themselves to facile answers, we cannot find a single all-embracing principle that will neatly serve the University community's best interests.

CONCLUSION

The recommendations below reflect our conclusion that those affected by student conduct policies and procedures ought to participate significantly in the making and in the enforcing of these policies. Participation in decision-making by those whom the decisions affect is an increasingly evident pattern in many large institutions, and we believe that such participation is essential in the social and student conduct area that we have examined.

Our recommendations also reflect our conclusion that the American social culture and its universities place a great emphasis upon the development of individual autonomy and independent thinking in its youth. American professors who have taught in foreign lands typically comment on the more docile and unquestioning atmosphere that they encountered in foreign classrooms as opposed to the assertive and lively student reactions that one frequently encounters in American classrooms, a reaction that most of us, surely, find highly desirable. In part, perhaps, this assertiveness is due to the inherent rebelliousness of youth which in our culture is not easily suppressed. It manifests itself in student conduct matters as well as in the more formal learning process, and it would be a grave mistake to confuse this sort of healthy questioning with the deliberate and politically-inspired activism that has brought turmoil to certain well-known campuses. There is very little of this destructive activism at Brown, but there is a growing degree of constructive and refreshing student activity in a variety of endeavors. Nor should it be surprising that Brown and Pembroke students frequently demonstrate independent impulses and a critical attitude. Independence is part of the American cultural heritage at its best, and critical thinking is something that we as a university at our best seek to promote. Administrators and faculty members, who themselves cherish and manifest critical and independent traits, should not be surprised when students flatter them by imitation.

Institutions, and especially universities, are, of course, conservative and tradition-bound by their very character. But the mark of intelligent conservatism -- and of an intelligent instituion -- is that it preserves and renews itself by reform. We advocate the incremental method of reform, and we further suggest that if reform is constantly under discussion there is little likelihood that the University's administrators, faculty members, and students will speak or act irresponsibly -- so long as all have confidence in the discussion process.

Finally, though we wish to avoid theology, we should state briefly our view of human nature. Man, we believe, is neither wholly good, nor wholly bad. We hope, therefore, that education will bring out the best in man, but we realize that minimal rules and sanctions are necessary to cope with the worst in man."

Advisory Committee on Student Conduct
Brown University

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In a parallel action, the Executive Committee (of the faculty) also made clear the faculty's determination that orderly processes of the College will be protected and preserved, both in deciding policy and in assuring the right to dissent. This vote stated: "Dartmouth College prizes and defends the right of free speech, and the freedom of the individual to make his own decisions, while at the same time recognizing that such freedom exists in the context of law and of responsibility for one's actions. The exercise of these rights must not deny the same rights to any other individual. The College therefore both bolsters and protects the rights of individuals to express their dissent against representatives of controversial ideas or policies. Protest or demonstration shall not be discouraged, so long as neither force nor the threat of force is used, and so long as the orderly processes of the College are not deliberately obstructed. Violations of these, the most basic principles of a free academic community, by faculty or students will be treated as a most serious violation of college regulations."

Dartmouth College

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Now against this background on the nature of DePauw, let me say just a few things about some of the questions on which the president of our student body said you especially wanted me to comment. One of the questions was this: Why is there such a disparity between the University's attitudes toward academic freedom on the one hand and social freedom on the other? The answer, I think, is quite simple: In a definitive sense, they are decidedly different things. The fact that in each of your phrases the word "freedom" is used, I suppose, is the stumbling block. The two phrases taken in entirety refer to decidedly different matters. Academic freedom has to do with freedom of inquiry, freedom of thought, freedom of expression. The term social freedom refers here to standards of conduct, decisions, rules, which in civil society would be called laws, authorizing overt actions which affect not only one's self but other individuals and society, on a campus, or in a nation at large. To discuss right and wrong is one thing. To authorize, to fix permissible or actual conditions of a community's life, to engage in action, to do this or that is quite another thing.

Freedom to say what you think (ideally, said courteously, thoughtfully) is one thing; and it is a very simple way of suggesting what academic freedom is; and this is a good thing; it is essential in the search for truth. Freedom to do what you please, or freedom for students, alone, after discussion and debate, to define alone, what they as a group may do if they please, or freedom to decide to do, as a group, whatever they please, is quite a different thing. AWS, Student Senate, the University Council, numerous individuals and other groups do discuss, debate, vote for what they prefer, and then recommend to the Faculty-Administrative Committee and to the President. But just as a State legislature sets minimum laws for all citizens, so the University must finally settle on rules for its own transient and its permanent community. The character of a community is part of its nature and integrity and it is of profound importance because it reflects its fundamental educational purpose and because it has significant bearing on the moral growth of its students.

Statement by William E. Kerstetter, President
De Pauw University

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General Conduct Regulations

Preamble

Academic institutions exist for the advancement of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students are encouraged to develop a capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students are expected to exercise their freedom to learn with responsibilitity and to respect the general conditions conducive to such freedom. Accordingly, the University has developed the following general regulations pertaining to student conduct which provide and safeguard the right of every individual student to exercise fully his freedom to learn without undue interference by others.

The University of Iowa

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1. The academic community must be preserved as a free and open society.

2. Free inquiry and free expression are indispensable elements required for the achievement of our goals as an academic community.

3. Dissent is to be encouraged as a vehicle for exposing error or discovering alternative routes to truth.

4. Any effort to limit either the freedom or openness of the academic community is a grave concern for all who would share in the benefits of membership in that community.

Rutgers University

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Tulane's basic goals and objectives have often been stated and were again the subject of extensive review during the self-study last year. Restated in brief form, Tulane seeks an environment conducive to developing individual capacities of each student to the fullest in both academic and non-academic aspects of life. We seek to engage the student in the creative processes of acquiring knowledge and in developing a sound basis for transmitting that knowledge into wisdom and action in the service of mankind.

It has long been the policy of Tulane University to foster freedom of inquiry and freedom of expression, including the right to dissent. Seeking to preserve these basic freedoms for students, faculty and staff, the University itself does not take official positions on disputed questions of scholarship or on political questions or matters of public policy. To do so, as some members of the University community occasionally propose, would, in our judgment, tend to enjoin an undesirable uniformity of outlook and essentially put a stop to learning. Our view is that intellectual growth in the University is supported just as much by a "free enterprise" system as is economic progress outside the University. The whole spirit of a university is to be found in its hospitality to an endless variety of viewpoints and skills and to open competition among them as the safeguard of truth. An atmosphere of freedom, mutual trust, and acceptance of responsibility where authority has been assigned is essential to achievement of the desired end.

In striving to meet these objectives, it is quite possible that the interest of an individual or a group within the University family may, unintentionally, be offended. "Conflicts between the demands of an ordered society and the desire and aspirations of the individual is the common theme of life's development," stated the Honorable Justice Abe Fortas, United States Supreme Court.

Speech to the Student Body by Herbert E. Longenecker, President. Tulane University

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Attitude at Wesleyan

With respect to both academic and social requirements, Wesleyan welcomes the student as an adult whose intellectual capacity and moral sensitivity are unquestioned, but whose experience is limited. In each area, the student is offered more freedom than he may be able to handle easily. But he is given every reasonable chance to grow as an individual and as a member of a community.

The initiative for self-regulation, with emphasis on individual freedom and opportunity for self-control, is with the students. But this does not imply, and students cannot expect, a default on the part of University officials. There should be no doubt about attitudes:

(1) individual freedom, in social matters as in academic matters, is cherished;
(2) individual self-control is expected;
(3) organized self-regulation by students--not in isolation, but as the central mechanism in a pattern of cooperative regulation by the community--is supported;
(4) good taste, decorum, concern for the sensibilities and rights of others, including guests, and a sense of "appropriateness" are expected;
(5) the University is not an arm of the law, nor does it see every law as right and sound, but it will not take an *in loco parentis* and shield students from the consequences of law violations;
(6) with respect to all problems, Wesleyan must remain sensitive to the fact that as a university community it includes among its students *and guests* young people with varying backgrounds and degrees of maturity; and

(7) the University must guard against interference with the growth, health, and academic performance of the individual; the privacy and well-being of others; or the goals of an academic community.

Any student who feels he cannot support these principles will be uncomfortable at Wesleyan and should consider resigning if he is not willing to re-examine his attitude, perhaps in consultation with University representatives.

Student-University Relationships

Any concept that Wesleyan can be an unstructured society is unrealistic. But it does not follow that Wesleyan need react to the student as if it stood precisely "in the place of" a parent--charged factitiously with all the parent's rights, duties and responsibilities.

A recent California court decision (Goldberg v. The Regents of the University of California) stemming from the so-called "filthy speech" movement at Berkeley in 1965, may now be the leading case on university authority in matters of student discipline. The Court said that state universities "should no longer stand in loco parentis" to their students and it constructed a premise for student-university relationships:

"Historically, the academic community has been unique in having its own standards, rewards, and punishments. Its members have been allowed to go about their business of teaching and learning largely free of outside interference. To compel such a community to recognize and enforce precisely the same standards and penalties that prevail in the broader social community would serve neither the special needs and interests of educational institutions, nor the ultimate advantages that society derives therefrom. Thus, in an academic community, greater freedoms and greater restrictions may prevail than in society at large, and the subtle fixing of these limits should, in large measure, be left to the educational institution itself."

The California Court did not say that a university or a student is above, or can stand apart from, the laws of the larger society. It simply emphasized the academic community's approach to self-regulation based on its educational purpose: such a community can "formulate its own standards, rewards and punishments to achieve its educational objectives," and except for the applicable constitutional limitations, "the relationship between appropriate university rules and laws of the outside community is entirely coincidental."

The Community Code, adopted early in 1966, identifies Wesleyan as a residential academic community having, as its chief end, "the fullest possible development of each person." It states that the community "has rights and responsibilities" and that

"Voluntary agreement to live and work together in freedom within

> the limits of this code is a necessary condition of the right to enjoy the benefits of membership in the Wesleyan community."

The expectation is that issues and problems will be settled cooperatively and that there will be a community of interest in matters without, as well as within, the classroom.

The Community Code is not an arbitrary protective (in loco parentis) measure. Neither is the Honor Code. Each is an internal commitment in support of an academic community, and the soundness of each is to be measured in terms of the effectiveness of the exercise of responsibility to and for the individual and the community.

As the California Court observed, an academic community cannot order its life without reference to the laws and "accepted norms of social behavior" of the larger society. The premise of Wesleyan University is not that it stands in the place of a parent, but that it exists as an educational institution within a larger society that expects the academic community to maintain standards consonant with its purposes and not in serious clash with norms found acceptable elsewhere. This means, for the student:

(1) that he may participate far more significantly and directly than he might in a different setting, in forming structures, in setting requirements, and in helping this community function;
(2) that he will and should grow as an individual in a community where a latitude of tastes and preferences is expected, but that he may not, with impunity, seek to sustain a proposition--either overtly or through neglect of responsibility--that Wesleyan as a community has no legitimate need to order its life;
(3) that he is accountable at several levels: to himself, to others, to the university and to the larger society; and
(4) that the university must always judge a student's activity from the standpoint of its expectations, but if the student's activity invites the scrutiny of others who have contending rights, the student cannot expect the university to stand between him and the consequences of his own behavior.

Within this framework of student-university relationships, the community has its opportunity to establish standards and to conduct its affairs.

Behavioral Questions and Educational Purpose

A university is one source of critical change through which society evolves in the direction of responsible freedom. For that reason, society offers its universities academic freedom, the opportunity for critical inquiry and relative, although not absolute, protection against social pressure.

The university has a mandate to be a critic of society and to retain its critical stance in every constructive way. The relationship of the university's standards of conduct to those of the larger society (that is, to the "law") must be understood on the basis of that mandate.

If the university fails to maintain standards of conduct conducive to its critical participation in society, the responsibility of the larger society is to remind it of its function and, if necessary, to press the university to resume its critical role. In either case, the university will have invited intrusion through its own default.

The standards and judgments of a university must be formulated, at every point, on the basis of its commitment to maintain a structure within which individuals can progress toward their educational goals. The university can never accept the illegality of a given act, in itself, as sufficient proof of disruption to the community or interference with educational purposes. If it did so, it would abdicate its critical role and become a defender of the status quo.

The university cannot (because it has no authority to do so) and should not (because it must be consistent in its critical role) attempt to perform a police function or to determine technical legality or illegality in any case. But the university must maintain standards of conduct and it must make judgments when those standards are violated. One example is cheating on an examination: an act that may not be technically illegal, but an act that is unacceptable in an academic community.

Wesleyan University

Note:- The following is from "Proposed Codes with Commentary:-Student Conduct and Discipline Proceedings in a University Setting", published August, 1968 by the New York University School of Law. It is the product of a "Research Seminar on Student Conduct" composed of sixteen students and four faculty members.

"What thinking there has been in the academic community about the relationship of students to the university has primarily centered on theories that no longer seem relevant. The poverty of the concepts is nowhere more apparent than in the area of student conduct and discipline. ...Universities are not equipped to play the substitute parent, and students are not interested in moving from one home discipline to another. Yet paternalism persists in less obvious ways at nearly all universities.

"...University discipline must be limited to instances of student misconduct which distinctly and adversely affect the university's pursuit of its recognized educational purposes.

"... 1. Assurance of opportunity for students to achieve their educational objectives, from admission to the university without discrimination through the time of entry into the outside community;

2. Generation and maintenance of an intellectual and educational atmosphere throughout the university;

3. Protection of the safety, welfare, and property of all members of the university community and of the university itself.

"A final indispensable ingredient to the student disciplinary process is that the university must demonstrate its absolute commitment to the search for truth in its fact-finding procedures. A dispassionate hearing upon due notice to the parties is essential to such a concern, whether the university is private or public.

"... 1. Freedom in the Classroom. Freedom of discussion and expression of views must be encouraged and protected. It is the responsibility of the professor in the classroom and in conference to ensure the realization not only of the fact but the spirit of free inquiry. In particular, students must be protected against prejudiced or capricious academic evaluation.

Commentary. The professor has the responsibility to maintain order, but his authority must not be used to inhibit the expression of views contrary to his own.

It is not inconsistent with freedom of the classroom for the professor to require participation in classroom discussion and submission of written exercises.

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GENERAL STATEMENTSOF DISCIPLINARY MEASURES AND DEFINITIONS

Rules affecting student conduct shall be administered through the Office of the Dean of Students. Disciplinary action affecting the conduct of men and women shall be administered through the Office of the Dean of Students. Disciplinary action affecting the conduct of men and women shall be based on general principles of fair and equal treatment.

Expulsion or suspension from the University or any lesser disciplinary action may result from the commission of any of the following offenses or violations:

Brigham Young University

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".... Recommendation II: The Board of Review for Disciplinary Cases

If our proposed University Council on Student Affairs is established, the Board of Review for Disciplinary Cases should be abolished as of the date when the new Council begins operation.

Recommendation III: The Board of Review for Academic Freedom

We recommend the retention of the Board of Review for Academic Freedom, subject to this statement of its jurisdictional responsibilities: Its function shall be the consideration of issues involving the free expression of ideas. While hypothetically there may arise cases in which no clear demarcation can be drawn between social misbehavior and behavior that may raise issues involving the free expression of ideas, an equitable and useful functional distinction can be drawn between its jurisdictional responsibilities and those of the proposed University Council and those of deans deciding cases under the option principle. Disciplinary cases decided under the option principle (decision by the dean or by the University Council) are not to be reviewed by any other University committee. If, however, there is a dual nature to a disciplinary case -- that is, a distinct question involving the free expression of ideas -- then a student may ask the Board of Review for Academic Freedom for a hearing on that issue and only that issue.

Recommendation IV: Procedural Guarantees in Major and Minor Disciplinary Cases

We recommend the adoption of the following set of procedural fair play guarantees applicable to both major and minor disciplinary cases:

(1) A student accused of violating a University rule shall be notified of the specific charge against him before his case is considered. In cases involving possible suspension or dismissal, the notification shall be in writing. It shall indicate the availability

of the option of deans' or Council decision and shall inform the student of his right to appeal and to assistance in his defense; subsequently, the student shall be notified of the time and place where the case is to be heard.

(2) The student shall have an opportunity to prepare his defense and to be represented by a person of his choice.

(3) The student is to be free from a disciplinary sanction pending the conclusion of his case; however, in cases where the nature of the case indicates that there is a danger to the immediate well-being of the University community, appropriate interim measures may be taken.

(4) The student shall have the opportunity to be apprised of all evidence pertinent to the case.

(5) The student shall have an opportunity to present witnesses in his behalf.

(6) The student shall have his case heard within a reasonable amount of time.

Supplementary Explanation:

These guarantees are designed so that decisions in disciplinary cases will formally meet essential standards of fair play and, equally important, so that the students involved in such cases will realize that their case has been processed in a fair and judicious manner. These suggested guarantees are not meant to imply that we regard student disciplinary cases as analogous to adversary legal proceedings in the civil courts. Quite the contrary, we do not regard a University as a miniature civil state. But Universities do decide student conduct cases and, as they grow larger and invariably somewhat more impersonal, it becomes increasingly important to institutionalize certain guarantees for the handling of disciplinary cases. Not only are some cases potentially delicate and difficult, but they may have a significant impact on the life and the career of the student involved. Our own conclusion on this point is reinforced by the fact that almost all of the schools polled in our study of student conduct procedures at other colleges and Universities guarantee the procedural safeguards we are recommending.

We assume that in most minor disciplinary cases the guarantees numbered (2) through (6) will be implemented with a minimum degree of formality. But in all cases it is our view that the fair play guarantees should be available to the student, providing him with an opportunity to defend himself against charges of misconduct.

Recommendation V: Suspension and Dismissal of Students as a Disciplinary Sanction

Suspension and dismissal is a severe sanction, and it should be relied upon only as a final resort in cases where there is a serious or persistent violation of the written student conduct rules. Students should not be suspended temporarily within a given semester."

Advisory Committee on
Student Conduct
Brown University

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Students who engage in repeated demonstrations of a similar character after a declaration that the first demonstration was unlawful and a warning that penalties would ensue if it was not terminated, need not be given additional declarations or warnings. Such a series of unlawful demonstrations may be regarded as a single unlawful demonstration if similar in character. A warning is not necessary if a demonstration is a deliberate and obvious violation of the rules (as determined by a disciplinary tribunal in the subsequent disciplinary proceeding).

> Comment: This paragraph is concerned with two problems. First, demonstrations of a "hit and run" character are made unlawful after the first determination and warning. Students who engaged in improper picketing at one location and desisted upon warning by the Delegate would expose themselves to disciplinary sanctions if they resumed the same kind of activity at a different location or at a later time. Second, demonstrations which are deliberate and obvious violations -- e.g., blockading a University official in his office -- would not be excused because the action was completed prior to a declaration of illegality.

Any student engaged in a demonstration declared unlawful by the Delegate must, upon request, identify himself to anyone who identifies himself as the Delegate or his agent.

If a demonstration is not ruled unlawful, but spectators are committing violations of these rules, the Delegate shall order the spectators to conform to the rules or to disperse and shall assure that participants in the lawful demonstration are not subjected to disciplinary sanctions. Moreover, no demonstration, lawful or unlawful, justifies an unlawful counter-demonstration.

Should students find themselves subject to criminal penalties, they shall nevertheless be subject to University disciplinary proceedings for violations of these rules. University disciplinary proceedings shall go forward without regard to extramural proceedings, except that a student facing both criminal and University charges relating to the same underlying facts may elect to defer the University proceedings by obtaining a special leave of absence from the University until the criminal case is resolved. While criminal proceedings cannot be avoided in all instances, it should be emphasized that the primary means for dealing with problems of student behavior should be University discipline.

Comment: Neither the constitutional privilege against self-incrimination nor the prohibition against double jeopardy prevents a University from bringing disciplinary proceedings against students charged with violations of the criminal law relating to the same set of facts. Crossner v. Trustees of Columbia University, _____ F. Supp. _____ (S.D.N.Y. 1968); Goldberg v. Regents of University of California, 57 Cal.Rep. 463 (1957). With respect to the privilege against self-incrimination, the provisions of the rules permitting students to withdraw until related criminal proceedings are resolved, is probably more generous than the law requires. See Oleshko v. New York State Liquor Authority, 29 A.D. 2d 84 (First Dept. 1967), aff'd men., 21 N.Y. 2d 778 (1968). In general, a defendant in a civil proceeding is not entitled to have the proceeding stayed pending the resolution of related criminal proceedings. See, e.g., United States v. American Radiator & Standard Sanitary Corp., ___ F. 2d ___ (3d Cir. Dec. 18, 1967), cert. denied, ___ U.S. ___ (1968). Any other result would mean that a student could delay or escape University discipline simply by engaging in conduct sufficiently serious to warrant criminal sanctions.

Columbia University

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DISCIPLINE

Failure to maintain a satisfactory academic record (ordinarily 3 C's and 1 D), neglect of College work or requirements, violation of the rules of the College or any department of the University, and offenses against law and order or failure to behave with the maturity and responsibility expected of a Harvard student will be dealt with as the Faculty or the Administrative Board shall determine. The following disciplinary actions may be taken:

a. Admonition: a formal reprimand which becomes part of a student's official record.

b. Probation: notification to a student whose record is unsatisfactory for academic or other reasons, including failure to meet the Prescribed English requirement, that he is in serious danger of separation from College. A student on probation must attend all of his classes and other College exercises. He is not allowed to hold a scholarship except by a special vote of the Admission and Scholarship Committee or to compete for or receive prizes. He may not take part with students in any public performance, represent the University in athletics or in any other way, hold class office or other positions of honor and responsibility, hold office in a student organization, or engage in any competition or activity which, in the opinion of the Dean, may interfere with his College work. A student on probation is, however, allowed to play on a House or other intramural team. He may be a candidate for class office the duties of which do not begin until his work for the degree is substantially finished. A student on probation cannot be restored to good standing without special action of the Administrative Board, and he cannot be recommended for a degree. The probation of a student may be closed by vote of the Administrative Board at any time and, except in very unusual cases, it will be closed if the student fails to observe strictly any of the regulations. Ordinarily at the end of the term in which he was placed on probation, a student's probation will be closed unless his record warrants restoration to good standing.

c. Severance of Connection: action which may be taken in the following circumstances: (1) in the case of a student who has failed to meet his academic requirements for two consecutive terms; (2) at any return of grades in the case of any student, whether or not previously on probation, who fails to pass three courses, with a grade of C -- or higher in at least one of them; (3) in cases of serious neglect of work followed by an unsatisfactory record in any term, even though the student has met the minimum requirements of passing three courses with a grade of C -- or higher in at least one of them; (4) in the case of a student who in his final term fails to meet his requirements in courses for the degree and also fails to pass his General Examination.

d. Require to withdraw action taken in disciplinary cases. In order to be readmitted after being required to leave College, -- that is, after severance, or after being required to withdraw, or after probation has been closed, -- the student must ordinarily be away from College for at least two terms, and must show an acceptable record of performance during a substantial period (at least six months) of regular employment. In all such cases the student must petition the Administrative Board to be allowed to return to College, and the Board's decision will depend on its judgment of the student's readiness to resume his studies. A student who has twice been required to leave College will not be readmitted.

e. Dismissal: action taken in serious disciplinary cases which ends a student's connection with the University by vote of the Faculty of Arts and Sciences. Dismissal does not necessarily preclude a student's return, but readmission will be granted rarely and only by vote of the Faculty.

f. Expulsion: the most extreme disciplinary action possible. It must be voted by the Faculty of Arts and Sciences. A student who is expelled can never be readmitted, and his name is expunged from the records of the University.

Harvard College

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Any student who commits any of the following acts of misconduct shall be subject to disciplinary action by the University, including disciplinary probation, conditional registration, suspension, or dismissal, in accordance with established disciplinary procedures; provided, however, that these regulations shall apply only where a student's misconduct has adversely affected some University process or function or some other distinct and clear interest of the University as an academic community.

The University of Iowa

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Definitions of Disciplinary Actions

Disciplinary action taken against a student may assume one of the following forms:

(1) Disciplinary Dismissal -- The most serious action which may be taken against a student. Either immediately or at the end of the current Quarter, depending upon the recommendation of the committee, the student is required to leave the University. If immediate dismissal is recommended, the student does not receive grades for the current Quarter and is not entitled to any refund of fees. Upon the student's permanent transcript are entered the words "Disciplinary Dismissal" and the date. Although a dismissal presumes that the student will not return to the University, he is eligible to apply for readmission after the lapse of a calendar year. Students subjected to disciplinary dismissals have in fact been readmitted to the University.

(2) Disciplinary Suspension -- As in the case of a dismissal, the student is required to leave the University immediately or at the termination of the Quarter. If the suspension is immediate, the student forfeits both grades and fees. An appropriate notation is entered on his transcript. Disciplinary suspensions are usually for periods of six months although the committees may recommend either longer or shorter periods. Return to the University after a suspension is not automatic although the presumption is in favor of a student being readmitted.

(3) Recorded Disciplinary Probation -- This form of disciplinary action does not interrupt the student's academic progress. A permanent notation in the form of the words "Disciplinary Probation through ________ Quarter 19__" is entered on the transcript. Customarily, probation lasts for a calendar year although the committees may recommend either shorter or longer periods. During the term of his probation, the student is not eligible for intercollegiate athletics, for participation in major extracurricular activities, or for the services of the Office of Student Financial Aids. At graduation, the disciplinary notation is expunged from the student's record.

(4) Unrecorded Disciplinary Probation -- A letter informs the student that he is being placed upon unrecorded probation. A copy of the letter is placed in his file in his college office so that it may be considered in the event the student experiences other conduct difficulties. There is no permanent record of the action.

(5) Academic Penalties -- The Committee on Academic Misconduct may assess academic penalties not to exceed a failing grade in the course in which the student was found guilty of cheating.

(6) Monetary Fines -- Student tribunals may assess modest monetary fines which are placed in a fund to assist student organizations.

(7) Other Penalties -- Student tribunals of women's organizations may assess penalties such as campusing, restriction of late privileges, etc.

Students Withdrawing Under Threat of Discipline

If a student has been charged with a disciplinary matter and withdraws prior to being interviewed by the Associate Dean, Student Relations (Discipline Coordination) or the hearing before his college committee, his record is tagged so that he may not re-enroll until the disciplinary matter has been settled. If, however, a student continues in the University and refuses to appear before the Disciplinary Committee of his College, the committee may exercise the prerogative of hearing his case *in absentia* and making its recommendation for disciplinary action.

During a recent serious matter of academic misconduct, many of the students involved applied for transcripts prior to the date of their hearing before the Committee on Academic Misconduct with the expectation that their transcripts would probably bear a disciplinary notation after the hearing. We,therefore, instituted the policy of placing a temporary hold upon the issuing of transcripts for students scheduled for hearings before college discipline committees or the Committee on Academic Misconduct.

Procedures for Readmission after Dismissal or Suspension
(Responsive to 1 u II)

One of the major reasons for the use of college disciplinary committees is that it is the college which assesses academic dismissals. Following the same reasoning, since the college acts upon petitions to return following academic dismissals, the college should also act upon petitions to return following disciplinary dismissals and disciplinary suspensions. A second reason for college committees acting upon readmission petitions following disciplinary suspensions and dismissals is that disciplinary difficulties are often closely related to academic difficulties. A considerable number of students who are out of the University for disciplinary problems are also below the minimum academic standards for remaining in school. Under the system currently in use, the college committees are able to consider both the academic promise and the conduct potential of a student petitioning to return.

Ohio State University

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"Persons who violate these regulations," the statement declares, "may be ejected from university property, and suspended or expelled, or liable to legal prosecution, as may be appropriate for any individual member of the university community or any visitor to the university. Any penalties assessed as a result of the violation of any of these regulations shall be imposed according to due process."

Ohio University

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As indicated last year, if disruption occurs the University will make every effort, and sincerely hopes, to resolve the problem without calling in outside assistance. Experience with disruptions that occurred on other campuses last spring, however, suggests that it may be helpful to make the University position more explicit. In accordance with the above statement on dissent prepared by the University, the following Rutgers College procedure for implementation is outlined.

1. Disruptive demonstrations -- those which interfere with the operation of the University or with the freedom of any member of the academic community or its guests -- are in violation of this policy.

2. The determination that a demonstration is disruptive shall be made by the Dean of the College, or his representative, with the advice, wherever practicable, of students and faculty drawn from the Student Regulations Committee in the case of a student and/or of members of the Administrative Council in the case of a faculty member.

3. If a violation occurs, the College will attempt to resolve the matter internally through procedures already established by appropriate committees to provide fully for due process. Unless members of the academic community involved comply with a request of the Dean of the College, or his representative, to cease the disruption, internal resolution will be rendered more difficult.

4. Failure to comply promptly with such a request will make the offense more serious and reduce the College's ability to resolve the problem internally. In critical circumstances, the failure to respond could result in an immediate ruling by the Dean, or his representative, with the advice, wherever practicable, of students

and faculty drawn from the Student Regulations Committee in the case of a student and/or of members of the Administrative Council in the case of a faculty member. Continued refusal to cease disruption may leave the Dean, or his representative, no alternative but to request off-campus assistance which could subject those participating to arrest.

5. Decisions made by the Dean, or his representative, in an effort to resolve the problem internally, under the conditions indicated above, may be appealed to the Judicial Board in the case of a student or to the Review Board in the case of a faculty member.

6. Those involved in such disruptions who are not members of the academic community will be dealt with by off-campus authorities.

Rutgers University

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I. Any individual or any group participating in such a disruptive demonstration or sit-in will be given five minutes to disperse.

II. If the response to the above statement of policy and the first procedure is negative, then the following steps will be taken:

A. The city police will be called in.

1. Any University person, participating in such a disruptive demonstration or sit-in, will be charged, arrested, and prosecuted at minimum for disturbing the peace.

2. Any person from outside the University who is participating in such a disruptive demonstration or sit-in will be charged, arrested and prosecuted at minimum for trespassing on private property.

B. Any University student who participates in such a disruptive demonstration or sit-in is automatically suspended from the University. Each suspended student will appear before the University Committee on Student Discipline for final decision in his case.

St. Louis University

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Any student who feels he cannot support these principles will be uncomfortable at Wesleyan and should consider resigning if he is not willing to re-examine his attitude, perhaps in consultation with University representatives.

Wesleyan University

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[Note:- The following is from "Proposed Codes with Commentary:- Student Conduct and Discipline Proceedings in a University Setting", published August, 1968 by the New York University School of Law. It is the product of a "Research Seminar on Student Conduct" composed of sixteen students and four faculty members.]

"Closely related to the notion of the university as the substitute parent is the concept that university discipline procedures are part of the learning process.

".... A better rationale must be found than the notion that discipline is part of the learning process and thus good for students.

".... The most common refuge of university administrators in justification of student discipline for violation of vaguely stated norms of conduct without hearing is that the right to impose such sanctions was secured by contract entered into by each student upon registration at the university.

".... For many years, the courts accepted without question the power of universities to impose such conditions upon the right or privlege of enrollment.

".... (But) Courts reject the notion that attendance at a public institution can be conditioned on the waiver of constitutional rights. See e.g., Dixon v. Alabama State Board of Education, 294 F. 2d 150 (5th Cir.) cert. denied, 368 U.S. 930 (1961). It may also be doubtful whether the public-private distinction will long shelter dismissals even in private universities without notice of charges and without hearing simply because a statement in the university bulletin (or even on a signed registration form) says so. It is entirely possible that private universities, all of which to some extent share in federal and state largess, will, at least for this purpose, be treated as though public and thus required to satisfy minimum standards of fairness in dismissal proceedings. See Dorsen, "Racial Discrimination in 'Private' Schools," 9 William and Mary L. Rev. 39 (1967); Nelkin, "Cy Pres and the Fourteenth Amendment: A Discriminating Look at Very Private Schools and Not So Charitable Trusts," 56 Georgetown L.J. 272 (1967); Van Alstyne, "Student Academic Freedom and the Rule-Making Powers of Public Universities", 2 Law in Transition Q. 1 (1965). Moreover, even apart from this argument, courts are increasingly likely to regard such contracts of adhesion as not truly voluntary and thus not binding. See Kessler, "Contracts of Adhesion -- Some Thoughts About Freedom of Contract," 43 Colum. L. Rev. 629 (1943); Note, "Private Government on the Campus -- Judicial Review of University Expulsions," 72 Yale L.J. 1362, 1378 (1963).

Whatever last-resort defense of arbitrary procedures may still be available as a matter of law, it seems clear that no university should now demand that last pound of flesh at the price of real or seeming unfairness. Rather the university obligation should be to identify with as much particularity as possible the kind of conduct expected of students, the sanctions that could be imposed for violation of that standard, and the procedures by which the fact of violation and measure of any penalty would be assessed.

"..... The fiduciary concept as thus formulated (1966) represents a notable advance over the two tests above outlined, for it at least requires notice and hearing before dismissal. However, it may well not prove adequate to answer all the questions that today press for solution. Its semantic artificiality invites further search for more rational bases for university imposition of codes of conduct and fair procedures for their enforcement."

"..... 1. Sanctions Defined.

a. Admonition. An oral statement to the student offender that he has violated university rules.

b. Warning. Notice to the student, orally or in writing, that continuation or repetition of the conduct found wrongful, within a period of time stated in the warning, may be cause for more severe disciplinary action.

c. Censure. Written reprimand for violation of specified regulation, including the possibility of more severe disciplinary sanction in the event of conviction for the violation of any university regulation within a period of time stated in the letter of reprimand.

d. Disciplinary Probation. Exclusion from participation in privileges or extracurricular university activities as set forth in the notice of disciplinary probation for a specified period of time.

e. Restitution. Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.

f. Suspension. Exclusion from classes and other privileges or activities as set forth in the notice of suspension for a definite period of time.

g. Expulsion. Termination of student status for an indefinite period. The conditions of readmission, if any is permitted, shall be stated in the order of expulsion.

2. Proscriptions Stated. University discipline is limited to student misconduct which adversely affects the university community's pursuit of its educational objectives, as outlined in part II above.

Misconduct for which students are subject to university discipline is defined as follows.

a. Dishonesty, such as cheating, plagiarism, or knowingly furnishing false information to the university.

b. Forgery, alteration, or use of university documents, records, or instruments of identification with intent to defraud.

c. Intentional obstruction or disruption of teaching, research, administration, disciplinary proceedings, or other university activities, including public service functions and other authorized activities on university premises.

d. Physical abuse of any person on university premises or at university-sponsored or university-supervised functions or conduct which threatens or endangers the health or safety of any such person.

e. Theft from or damage to university premises or theft of or damage to property of a member of the university community on university premises.

f. Failure to comply with directions of university officials acting in performance of their duties. (See part III (A) (4) (Freedom of Protest).)

g. Violation of published university regulations, including regulations relating to entry and use of university facilities, and any other regulations which may from time to time be enacted.

h. Violation of published rules governing university residence halls.

i. Violation of law on university premises or in university residence halls in a way that adversely affects the university community's pursuit of its proper educational purposes, as enumerated in part II above.

[Note:- The following is from "Administrator's Handbook" published by the editors of "College and University Business":--]

"..... VI. Procedural Standards in Disciplinary Proceedings

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance and admonition. At the same time educational institutions have a duty and the corollary disciplinary powers to protect their educational purpose through the setting of standards of scholarship and conduct for the students who attend them and through the regulation of the use of institutional facilities. In the exceptional circumstances when the preferred means fail to resolve problems of student conduct, proper procedural safeguards should be observed to protect the student from the unfair imposition of serious penalties.

The administration of discipline should guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the offense and the sanctions which may be applied. They should also take into account the presence or absence of an honor code and the degree to which the institutional officials have direct acquaintance with student life in general and the involved student and the circumstances of the case in particular.

The jurisdictions of faculty or student judicial bodies, the disciplinary responsibilities of institutional officials, and the regular disciplinary procedures, including the student's right to appeal a decision, should be clearly formulated and communicated in advance. Minor penalties may be assessed informally under prescribed procedures.

In all situations procedural fair play requires that the student be informed of the nature of the charges against him, that he be given a fair opportunity to refute them, that the institution not be arbitrary in its actions, and that there be provision for appeal of a decision. The following are recommended as proper safeguards in such proceedings when there are no honor codes offering comparable guarantees.

A. Standards of Conduct Expected of Students. The institution has an obligation to clarify those standards of behavior which it considers essential to its educational mission and its community life. These general behavioral expectations and the resultant specific regulations should represent a reasonable regulation of student conduct, but the student should be as free as possible from imposed limitations that have no direct relevance to his education. Offenses should be as clearly defined as possible and interpreted in a manner consistent with the aforementioned principles of relevancy and reasonableness. Disciplinary proceedings should be instituted only for violations of standards of conduct formulated with significant student participation and published in advance through such means as a student handbook or a generally available body of institutional regulations.

B. Investigation of Student Conduct.

1. Except under extreme emergency circumstances, premises occupied by students and the personal possessions of students should not be searched unless appropriate authorization has been obtained. For premises such as residence halls controlled by the institution, an appropriate and responsible authority should be designated to whom application should be made before a search is conducted. The application should specify the reasons for the search and the objects or information sought. The student should be present, if possible, during the search. For premises not controlled by the institution, the ordinary requirements for lawful search should be followed.

2. Students detected or arrested in the course of serious violations of institutional regulations or infractions of ordinary law should be informed of their rights. No form of harassment should be used by institutional representatives to coerce admissions of guilt or information about conduct of other suspected persons.

C. Status of Student Pending Final Action. Pending action on the charges, the status of a student should not be altered, or his right to be present on the campus and to attend classes suspended, except for reasons relating to his physical or emotional safety and well-being, or for reasons relating to safety and well-being of students, faculty or University property.

D. Hearing Committee Procedures. When the misconduct may result in serious penalties, and if the student questions the fairness of disciplinary action taken against him, he should be granted, on request, the privilege of a hearing before a regularly constituted hearing committee. The following suggested hearing committee procedures satisfy the requirements of "procedural due process" in situations requiring a high degree of formality:

1. The hearing committee should include faculty members or students, or, if regularly included or requested by the accused, both faculty and student members. No member of the hearing committee who is otherwise interested in the particular case should sit in judgment during the proceeding.

2. The student should be informed, in writing, of the reasons for the proposed disciplinary action with sufficient particularity, and in sufficient time, to insure opportunity to prepare for the hearing.

3. The student appearing before the hearing committee should have the right to be assisted in his defense by an adviser of his choice.

4. The burden of proof should rest upon the officials bringing the charge.

5. The student should be given an opportunity to testify and to present evidence and witnesses. He should have an opportunity to hear and question adverse witnesses. In no case should the committee consider statements against him unless he has been advised of their content and of the names of those who made them, and unless he has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn.

6. All matters upon which the decision may be based must be introduced into evidence at the proceeding before the Hearing Committee. The decision should be based solely upon such matter. Improperly acquired evidence should not be admitted.

7. In the absence of a transcript, there should be both a digest and a verbatim record, such as a tape recording, of the hearing.

8. The decision of the hearing committee should be final, subject only to the student's right of appeal to the president or ultimately, to the governing board of the institution."

STUDENT PARTICIPATION IN (AND ORGANIZATION FOR) POLICY MAKING AND OTHER DECISIONS

".... 2. Questionnaire on Student Conduct Policies and Procedures at Other Colleges and Universities

A second feature of the Committee's work was the preparation of a brief questionnaire to determine in an approximate way the rules-making and rules-enforcing procedures being followed at other colleges and universities. This questionnaire was sent to thirty-seven institutions, and it was sent to both deans and to student government officials. The institutions were selected at random, with the idea that we should sample institutions comparable to Brown as well as ones rather different in structure and traditions. The questionnaires, for example, were sent to such diverse schools at Antioch, Cornell, Northwestern, Pomona, Swarthmore, and the Universities of Illinois and North Carolina.

Twenty-six deans and fifteen student leaders responded. The answers, as expected, reveal a variety of options that one may choose from in establishing machinery and procedures for making and enforcing rules. Presumably, each college or university has practices and procedures that to some considerable degree reflect its particular traditions and needs. Interestingly, though, three broad trends seem to have emerged.

First, virtually all of the responding deans (twenty-three of twenty-six) reported that students were part of a mechanism "primarily responsible for the formulation of student conduct regulations." Moreover, the largest number of schools (nine, including Cornell, Dartmouth, Illinois, North Carolina, Northwestern, Pennsylvania, Stanford, Swarthmore, and Wesleyan) reported that this function was performed by a joint administration-faculty-student board. (The student leader responses, though fewer in number, confirm this trend.)

Second, a strong majority of the deans (19) report that students are formally and significantly involved in rendering decisions in the most serious disciplinary cases. Many schools have their own variations, but at eight of them the responsibility belongs to a faculty-student board; at six it belongs to an administration-faculty-student board. So-called "appeals" procedures also vary greatly, but the most common pattern (ten, including Amherst, Antioch, Bryn Mawr, Columbia, Darthmouth, Northwestern, Pennsylvania, Tufts, Vassar, and Williams) provides for appeal to the president; three schools (Chicago, Mount Holyoke, and Pennsylvania) provide for appeal to a dean.

Third, the deans' responses (confirmed by the student leaders) suggest that almost all of the schools we polled guarantee certain procedural safeguards to students involved in disciplinary cases. Thus, they are notified in writing of the precise charge against them at eighteen schools; may be represented by a faculty member at eleven schools (seven of these extend this guarantee explicitly to include also representation by a lawyer); and may present evidence and witnesses at twenty-three of the schools.

(At Brown University)

"..... Recommendation I: The Making and the Enforcing of Student Conduct Rules

(1) There shall be a University Council on Student Affairs consisting of three Faculty members (elected by the Faculty for staggered three-year terms); the Dean of The College (or, in his absence, the Associate Dean); the Dean of Pembroke College (or, in her absence, the Associate Dean); the Dean of The Graduate School (or, in his absence, the Associate Dean); three undergraduate men selected in a manner decided by the Cammarian Club; two undergraduate women selected in a manner decided by the Student Government Association; and one graduate student selected in a manner decided by the Graduate Student Council. The University Council is to elect a chairman from among its Faculty members.

(2) The jurisdiction of the University Council on Student Affairs shall extend to the making of all student conduct rules. The recommendations shall be made only by a majority vote of the Council and must be approved by the President of the University.

(3) The University Council on Student Affairs shall have authority to sit as a disciplinary committee in all cases involving offenses in which the potential sanction for the violation of a rule is suspension or dismissal. In all cases involving possible suspension or dismissal, the student shall have an option to appear before the dean or the Council.

(a) The preliminary decision that an alleged offense is serious enough to warrant possible suspension or dismissal will be made by the dean of students. If it is decided that the case is this serious, the student will be informed of his right to opt for a handling of the case by either the dean or the Council.

(b) Where a student elects to have his case decided by the Council, he may request that the student members of the Council not sit in his case.

(c) The Council will not sit as an appeals court reviewing cases of either major (suspension or dismissal as a possible sanction) or minor offenses adjudicated by deans.

(d) In all cases decided by a dean or by the Council there shall be a right of appeal to the President of the University.

(e) Decisions which find that a student has violated a rule and/or impose a sanction must be by a majority vote. A tie vote on the question of whether there has been a rules violation represents a finding that there has been no violation;

a tie vote on a proposed sanction in cases where there has been a finding of a rules violation represents a rejection of the proposed sanction. If, in cases where the Council determines that there has been a violation of a rule, it decides against suspending or dismissing the student, the Council retains the option of imposing a lesser sanction.

(f) The Council shall determine all of its other operating procedures.

(4) The University Council on Student Affairs shall meet at least twice a semester.

Supplementary Explanation:

Under our recommendations minor disciplinary cases (those not involving a possible sanction of suspension or dismissal) will be handled routinely by the deans of student affairs. Appeals from the deans' decision in such cases can be made to the ranking dean and, beyond that, to the President of the University; we assume that appeal to the president will be a rarity. In major disciplinary cases where the student has opted for a handling of his case within the dean's office, instead of by the University Council, the decision in the case will be made by either the dean or the associate dean who are, of course, free to consult with the dean of student affairs. Appeal from the deans' decision in such cases can be made only to the President of the University.

The general rationale behind the recommendation for the establishment of a University Council on Student Affairs has already been presented in our general statement. There are, also, a number of additional considerations that should be briefly noted:

(1) A University Council such as we propose, which involves deans, faculty and students in the making and enforcing of student conduct rules, will be in harmony with developments at a clear majority of the colleges and universities that we polled. Many of these colleges and universities are comparable to Brown in size and traditions.

(2) The present Board of Review for Disciplinary Cases was unanimous in its view that there had to be a close tie between the makers and the enforcers of student conduct rules. Moreover, both the Board of Review for Disciplinary Cases and the Board of Review for Academic Freedom favored a one-stage discipline committee, and the strong preponderance of opinion on both of these boards was for significantly involving students in the making and the enforcing of student conduct rules. On the matter of faculty participation, the Board of Review for Academic Freedom recommended that the faculty be involved in the making and the enforcing of student conduct rules, while the Board of Review for Disciplinary Cases took the position that it was essential to involve the faculty in such policy-making if it were to assist effectively in administering student conduct rules.

(3) We believe that there is positive value in joining the function

of those members of the University community (deans, faculty, and students) who will help to make the student conduct rules with the function of assisting in their enforcement.

(4) We have decided against a two-stage disciplinary process because it is unnecessary for the creation of a fair disciplinary system. Our single most important reason for rejecting the idea of a two-stage process is our firm conclusion that the system proposed in Recommendations I and IV will afford fairness in the handling of disciplinary cases.

(5) All of the diverse proposals made to the Advisory Committee recognized the desirability of allowing students the option of having serious cases heard by a ranking dean. In fact, during the present academic year students have often exercised this option in preference to asking for a hearing from the Board of Review for Disciplinary Cases.

(6) We strongly hope that our recommended procedures for the fair handling of disciplinary cases are accepted, as they are directly related to our concept of how student conduct rules should be enforced. These procedures will guarantee fundamental fairness in all disciplinary cases, whether decided by deans under the option principle or by the Council.

In our judgment, our proposed University Council and our recommended procedures provide a blueprint for making and enforcing student conduct rules in a manner that draws on the intelligence and the perspectives of the diverse members of our community while guaranteeing built-in safeguards that will afford unquestioned fairness in the handling of disciplinary cases.

Advisory Committee on Student Conduct
Brown University

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Related to this is the other question: why not, then, a continuing tri-partite committee, of students, faculty, administration, which would work on these things? As a matter of fact, University officials suggested this and we could not get agreement then with students on it. But equally pertinent and maybe more so is the fact that the University Council, which is a development of the past ten years or so, is itself a tri-partite group. Out of this group, as well as out of Student Senate, AWS and numerous miscellaneous campus sources, have come precisely formulated suggestions for development of rules at DePauw University. We are very much interested, as I indicated, in continuing, with students, conversations about these very important problems.

Statement by William E. Kerstetter, President
DePauw University

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Student Participation in Institutional Government

Students are free, as individuals and as groups, to express their views on matters of College policy and on other issues of interest to them. The Student Council, the campus newspaper, the Interfraternity Council and other organizations provide forums for discussion and orderly means for the communication of opinion to the College authorities. Other avenues for expression and communication may be developed as the need arises.

Lafayette College

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".... C. A private college, within the framework of its academic government, has the moral right and responsibility to govern itself.

D. The institution, through its trustees, faculty and staff, has the professional competence and moral duty to determine its own educational philosophy and practice, giving full consideration to the suggestions and reactions of students.

E. Students should have an appropriate share in the determination of institutional policies, but the decision of what is an appropriate share is made by trustees, faculty and staff, depending upon the policy area.

F. The institution, acting through staff or trustees, will not negotiate with students. The existing and established channels of communication between and among students, faculty, trustees and staff must be adequate and must be utilized."

Letter of Harry Manley, President
Muskingum College

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The Faculty requests that the Executive Committee make prompt arrangements for the election of student members to the Joint Committee after consultation with student groups, the elections to be completed not later than October 30, 1968. Faculty vacancies shall be filled by the Executive Committee, and administrative vacancies shall be filled by the President. The Joint Committee shall continue to exercise appellate authority over all disciplinary proceedings and shall make such supplementary rules as may be required to facilitate the processing of such cases.

The Faculty requests the Executive Committee to constitute a new body, containing substantial representation for faculty, students and administrators, to formulate rules to govern behavior on the Columbia campus and to establish an appropriate disciplinary structure for the University. This body also shall have full authority to revise the Interim Rules Relating to Rallies, Picketing and Other Mass Demonstrations. It is the opinion of the Joint Committee that the new body should consist of faculty members, elected by the Faculty (40 per cent); students, elected by the student bodies of the various schools and divisions of the University under procedures prescribed by the Executive Committee after consultation with student groups (40 per cent); and administrators, elected by the Council of Deans and Directors (20 per cent). Since it is a matter of greatest urgency that the Interim Rules, and other rules governing behavior and discipline, shall be subject to continuing review and revision, the Executive Committee is requested to give this matter a high priority and to constitute the new rulemaking body no later than October 30, 1968. In order to provide guidance for this new body, the Executive Committee shall arrange for an early poll on the Interim Rules in order to ascertain the views of students. The constitution and functioning of the new rulemaking body shall be subject to such changes as may be required by any general plan of restructuring adopted by the University.

Columbia University

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THE FACULTY - STUDENT COUNCIL ON STUDENT AFFAIRS

Rules specifically affecting student life are submitted to the Faculty Council by the Council on Student Affairs. If a proposal affecting student affairs should be presented directly to the Faculty Council by one of its members, it is customarily referred back to the Council on Student Affairs for study and recommendation before being acted upon by the Faculty Council.

Faculty Membership

Faculty membership (6) consists of the Executive Dean for Student Relations who acts as Chairman of the Council and who presents all reports of the Council to the President; the Associate Dean, Student Relations (Housing); the Associate Dean, Student Relations (Program and Activities); and three members of the University Faculty appointed by the President of the University for three-year terms, one appointed each year.

Student Membership

The six student members are selected as follows:

(1) The President of the Undergraduate Student Body

(2) The President of the Women's Self Government Association

(3) Two students appointed by the President of the University from nominations (no less than four in number) of students with at least Junior standing, such nominations made by the Undergraduate Student Body in the manner prescribed by the Undergraduate Student Body.[1]

(4) One student appointed by the President of the University from nominations (no less than two in number) of students registered in the Graduate School, such nominations to be made by the Council of Graduate Students in the manner prescribed by the Council of Graduate Students.

(5) One student appointed by the President of the University from nominations made by recognized student government organizations of the Colleges of Dentistry, Law, Medicine, Pharmacy, and Veterinary Medicine (each organization submitting one nomination of the student registered in the College whose students are represented by the nominator), such nomination made in the manner prescribed by the organization making the nomination.

The four students appointed by the President of the University are appointed for one-year term but are eligible for appointment.

Powers

This Council shall be the principal liaison council between student government and the faculty and administration. It may recommend to the Faculty Council proposed legislation affecting student life and activities. Its administrative responsibilities shall be expressed through recommendations to the Executive Dean for Student Relations.

The Council shall have the authority to promulgate regulations elaborating or interpreting existing Rules for the Faculty and of the University. It shall also review decisions of the student court when properly brought before it on appeal ...

Ohio State University

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[1] Under the newly adopted constitution of the Undergraduate Student Body, the two students now appointed by the President of the University will be appointed directly by the President of the Undergraduate Student Body with the advice and consent of the Student Assembly.

Last year we noted some areas of University life which deserved reassessment. This year we plan to engage all who will join constructively in implementing changes shown desirable by the University's year-long self-study. Communications among students, faculty, and administrators need and will receive added attention. In the area of student affairs, we propose a new and, hopefully, a more satisfactory arrangement for student publications with a revised Publications Board and a new Publications Appeals Board.

We shall continue to stress responsible student participation in University affairs. The main effort will continue to be directed toward a strengthening of the whole organization and operation of student government and the individual school and college student associations. As a new means of developing student-faculty-administration interchange, I propose to establish a Leadership Council consisting of elected student leaders of the key governmental organizations, faculty members representative of and elected by the University Senate, and selected University officials, including in addition to those named above several others whose duties bring them in close working relationship to students.

From a speech to the Student Body by Herbert E. Longenecker,
President, Tulane University

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[Note: The following is from "Proposed Codes With Commentary: - Student Conduct and Discipline Proceedings in a University Setting", published August, 1968 by the New York University School of Law. It is the product of a "Research Seminar on Student Conduct" composed of sixteen students and four faculty members.]

".... 5. Student Participation in the Decision-Making Process. As constituents of the academic community students must be free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. There must be clearly defined means for student participation in the formulation and application of institutional policy affecting academic and student affairs.

Commentary. The decisional process within the university is not by any means unitary. While the modern university continues to have as its principal concern the health and vigor of the educational process, it also serves in a number of ancillary capacities. The university as landlord, restaurateur, purveyor of health services and recreational facilities, or as bookseller is quite different from the university as manager of the educational enterprise. It is nonetheless proper to urge that student participation appropriate to each of these activities must be made available. It is not possible here to spell out with particularity all the degrees of student involvement that may be developed for varying needs. Some guidelines, are, however, possible.

a. The role of student government and its responsibilities should be made explicit, and action taken by student government within the areas of its jurisdiction should be final to the maximum extent possible. In any event, there should be no university review of student government decisions unless the review procedures are agreed upon in advance.

Ways must be found to increase general student interest and participation in the procedures for selection and supervision of student government. Only through wider participation in the student democratic process is it possible to justify the more responsible role here recommended for student government.

b. Where the university acts as landlord, the students should ordinarily have final authority to make all decisions affecting their personal life, including the imposition of sanctions for violation of the stated norms of conduct. (For a more complete discussion, see part III (A) (7) below.)

c. In the area of educational policy professional judgment is obviously relevant. Students, in comparison with faculty and administrators, are relatively disadvantaged in experience, professional judgment, and continuity of service with the university. Even though the power of final decision for degree requirements, course grades, and the assignment of teachers cannot be made on the basis of "one man, one vote," the infusion of responsible student advice must inevitably improve the quality of educational policy decisions, particularly in providing improved means for evaluation of the educational program. As the Berkeley Study Commission on University Governance observed (page 33):

> Incorporating students into academic policy-making is essential if today's large university is to create an environment which more successfully promotes the realization of its still unfilled educational ideals. The preeminent argument for achieving greater student participation in the shaping of educational policy thus springs from our long-range educational ambitions and our apprehension about the wide gap presently separating our educational performance from the desirable goal of deeply involving students in the direction of their education.

In all these respects the university should be constantly alert for new and improved methods to increase student participation in the decisional process. Among the devices that should be considered are the following:

a. Increased autonomy in student organizations, including financial responsibility for the expenditure of budgeted funds.

b. Creation of faculty-student committees to consider questions of policy affecting student life. Student representatives on such bodies should ordinarily be elected by their fellows.

c. Designation of students as members of standing and special committees concerned with questions of curriculum and other matters of direct student concern.

d. Designation of a faculty member as ombudsman with power to hear and investigate complaints and to recommend remedial action where appropriate.

e. Conduct of a faculty evaluation survey. Careful attention must be given to the quality of the questionnaire and to the distribution of the results. Ordinarily it is satisfactory to make the results available only to the individual evaluated and to the dean of the college; but wider distribution is possible if approved by the faculty in advance of the evaluation."

[Note:- The following is from "Administrator's Handbook" published by the Editors of "College and University Business":-]

".... C. Student Participation in Institutional Government. As constituents of the academic community, students should be free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of the student government and both its general and specific responsibilities should be made explicit, and the actions of the student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures. "

COMMUNICATION POLICY & MEDIA

".... Let me say in conclusion only this: that I think our conversation should go on concerning all of these things, and I hope that creative solutions can rapidly be found. To this end, I have already planned meetings of representatives of the Board of Trustees, the administration, the faculty and student body leaders in the month of May and then again in the month of August just before classes begin. I also hope that we can arrange another meeting -- we had one just the other night -- of the presidents and other leaders of the various living units, and to do this early in September. Since the things I have said today, despite the length of this statement, have had to be treated very briefly, and also because I enjoy your company and conversation, I want again to invite any students who would like to visit with me in my office, or small groups of three or four or five, to seek to arrange appointments with me or with my secretaries so that I may receive the further benefit of your insight and enjoy your fellowship."

Statement by William E. Kerstetter, President
De Pauw University

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In October 1967 it was indicated that as a matter of principle in this academic community, every attempt is made to clarify in advance those standards considered essential to our educational mission and community life. It is in this spirit also that this College statement is issued.

Rutgers University

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Proper and reasonable channels of communication do exist within the University. Reasonable men and women will continue to use such channels as they have in the past.

St. Louis University

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Finally, I call upon the entire University community to assist in the continuing task of revising and codifying University regulations and procedures related to student affairs so they may be easily disseminated to our student body. And while striving to enhance a high standard of welfare for all students and faculty members, we shall certainly continue to give personal attention to the requests of the individual student.

I invite constructive criticism from members of the Tulane family. For this purpose, there are well established lines of communication.

Just as faculty proposals are normally presented either through departmental chairmen and their respective Deans, or through University Senate Committees, student matters are presented by student leaders to the Dean of Students or by student members of the University Senate Committees.

Speech to the Student Body by Herbert E. Longenecker Tulane University

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First Semester Approach

Early in November, more than 100 students representing campus organizations met with me and others in faculty and administrative positions to discuss student life. The alignment of college officials in positions to respond to student interests was shown on charts. Every student organization was asked to submit any problems or proposals it might have to the College Body Committee for review with the Dean's Office. The goal was to produce action where possible and to work out a better match between administrative personnel and student organizations.

Although some problems have been solved, post-meeting events have been disappointing. It is clear to the College Body Committee, as it is to me, that more fundamental organizational steps are needed. It is also clear that students cannot be expected to mount a far-reaching program, including a re-examination of residential patterns, unless they are assured of firm administrative support and sensitive faculty cooperation.

Second Semester Program

The procedures now decided upon (in consultation with the College Body Committee and the Student Affairs Committee) are as follows:

(1) James Helfer has been relieved from teaching to spend full time as Consultant on Student Affairs during the second semester. He will work with students, with the Dean and with others to help develop a total program;

(2) John C. Hoy will delegate most of his responsibilities as Dean of Freshmen (to Associate Dean Edward I. McDowell, Jr.) and as Dean of Admissions (to Director of Admissions Robert L. Kirkpatrick, Jr.) to work with Mr. Helfer on this program;

(3) specific proposals for student consideration will be issued in about two weeks;

(4) the College Body Committee, in consultation with Messrs. Helfer

and Hoy, will organize student-faculty-administration teams to consider these proposals and to submit comments, amendments or different proposals by a deadline date in March;

(5) the Student Affairs Committee will offer counsel and guidance through subcommittees, individual assignments or otherwise as requested;

(6) the Student Judiciary Board, the Honor Board and the Board of House Presidents will be consulted in their areas of responsibility;

(7) representatives of dormitory and off-campus living units, including graduate students will be consulted regarding housing patterns, residential life and related responsibilities.

The target will be to complete a comprehensive plan for student and faculty consideration, as appropriate, in April or May. The College Body Committee will then set a date for elections.

The proposals now being formulated, and to be offered for student consideration early in February, will be based on the ideal of student-faculty-administration cooperation in social as well as academic life. The goal is to simplify procedures, reduce friction and factionalism, increase understanding and tolerance, solve problems and establish a clearer relationship between social life and educational purpose.

There is no limitation on the scope of this project. It is expected that the following (at least) will be considered: structure of student government; judicial process; composition and role of Student Affairs Committee; role of fraternities; residential arrangements; faculty advisory functions; relationships among extra-curricular activities; relationship between curricular and extra-curricular work; scope and the nature of University regulations.

This project will succeed if students participate with enthusiasm and work toward decisions and action. No default of legitimate administrative or faculty responsibilities will occur. But the emphasis will be on support for students willing to grapple with matters of central importance in their lives at Wesleyan.

A limited number of students -- perhaps 12 to 15 -- will be enrolled in a Seminar (Social Change on the University Campus) to systematize and recognize their particularly deep involvement in this program. These students will submit regular analyses of the progress of panels they represent. They will attend weekly seminars to consider the educational, social and philosophical dimensions and relations among the areas of concern. A number of faculty members and University officials will participate in these studies, while Messrs. Helfer and Hoy accept primary responsibility for the quality and pace of the total seminar program.

Wesleyan University

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FREEDOM OF THE STUDENT PRESS

Student Publications

Lafayette College regards student publications as a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the College community and of formulating student opinions on campus issues and world affairs.

Since Lafayette meets this commitment by providing funds and facilities for these activities, it may have to bear legal and financial responsibility for the content and operation of the publications. Within the limits imposed by this responsibility, Lafayette is committed to freedom of expression in order that student publications may maintain their integrity of purpose.

The freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, slander, obscenity, undocumented allegations, and the techniques of harrassment and innuendo. All student publications must explicitly state on the editorial page that the opinions there expressed are not necessarily those of the College or student body.

For the protection of the editorial freedom of student publications the College subscribes to the following safeguards:

1. The student press is free of censorship and advance approval of copy, and its editors and managers are free to develop their own editorial policies and news coverage.
2. Editors and managers of student publications are protected from arbitrary suspension and removal because of student, faculty, administrative or public disapproval of editorial policy or content. Only for the aforementioned causes are editors and managers subject to removal and then by orderly procedures.

Lafayette College

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[Note:- The sixteen students and four faculty members who comprised the seminar sponsored by the New York University Law School came up with this:-]

Freedom of Publication. The student press must be free of censorship, and its editors and managers must be protected from arbitrary suspension arising out of student, faculty, administration, alumni, or community disapproval of editorial policy or content. Similar freedom must be assured for the oral statement of views on a university-controlled radio or television station.

The tenure of editors and managers should be determined by the regularly elected student editorial boards. Removal before the normal expiration of the term of office may be made only by the same bodies in accordance with fair and orderly procedures prescribed in advance.

Commentary. In the delegation of editorial responsibility to students the university must provide editorial freedom and, to the extent possible, financial autonomy so that the student press (including radio and television) may develop and maintain its integrity of purpose as a vehicle for free inquiry and free expression in the academic community. Whenever possible, student publications should be separately incorporated. Where financial and legal autonomy is not possible, the university as publisher may have to bear legal responsibility for the content of such publications. The editorial freedom thus assured student editors and managers entails corollary obligations under the canons of responsible journalism and applicable regulations of the Federal Communications Commission.

[Note:- The following is from "Administrators Handbook" published by the editors of "College and University":-]

Institutional authorities, in consultation with students and faculty, have a responsibility to provide written clarification of the role of the student publications, the standards to be used in their evaluation, and the limitations on external control of their operation. At the same time the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications, the following provisions are necessary:

1. The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage.

2. Editors and managers of student publications should be protected from arbitrary suspension and removal because of student, faculty, administrative or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers should be the agency responsible for their removal.

3. All university published and financed student publications should explicitly state on the editorial page that the opinions there expressed are not necessarily those of the college, university or student body.

"DUE PROCESS" - DISCIPLINARY PROCEEDINGS

The Delegate shall endeavor to identify students who have participated in an unlawful demonstration and shall institute disciplinary proceedings against such students. The Delegate shall notify the student in writing of the charge against him, citing these rules and including a copy. Simultaneously, the Delegate shall notify the chairman of the appropriate disciplinary tribunal, convened in accordance with the Joint Committee's report of May 9, 1968. The chairman shall direct the student to appear before the tribunal at the earliest practicable date. A student who fails to appear before the disciplinary tribunal, as directed, shall be suspended unless he has theretofore requested and is granted a postponement. In lieu of appearing before the tribunal, the student may elect to settle his case by agreement with his Dean; the settlement agreed upon shall be certified to the disciplinary tribunal.

In proceedings before a disciplinary tribunal, the charge of violation of these rules shall be presented by the Delegate. The student shall have the right to be advised by counsel of his own choosing and to present evidence in his own behalf, but counsel shall not participate in the proceedings without the permission of the tribunal. The student is not required to give evidence against himself. A transcript of the proceedings shall be made. While it is essential that the proceedings be fair and orderly, it is not requisite that strict rules of evidence be applied in all instances or that all the rules governing the conduct of judicial proceedings be applied. The proceedings shall be open to the public unless the student elects to have a closed hearing; the tribunal also may close the hearing on the ground that the spectators are disrupting the proceedings. Subject to the requirements previously stated and the review hereafter provided, each tribunal shall be free to shape its own procedures, including the adoption of reasonable standards to govern the behavior of counsel.

> Comment: While tribunals are given the authority to control participation of counsel in the proceeding, tribunals are also obligated to proceed in a fair manner. Thus, if in any case the Delegate were to be represented by a person with legal training, obviously the student also should be permitted full representation. And tribunals should be receptive to claims that special circumstances require that counsel participate on a particular point. The Joint Committee will review all assertions of unfairness in cases appealed to it, and will continue to review the proper role of counsel in University disciplinary proceedings.

Schools may convene more than one disciplinary tribunal if several are necessary to dispose of disciplinary charges expeditiously. In the event hearings before a disciplinary tribunal are not held promptly, the Joint Committee will designate a panel of its members to act in lieu of the disciplinary tribunal. (These members shall then be excluded in appellate review of the panel's decision.)

Alternates shall be selected to serve in lieu of members of disciplinary tribunals who may be unavailable. Students charged with violations shall be accorded an opportunity to challenge any member of the tribunal for cause. If the challenged member does not disqualify himself, the remaining members of the tribunal shall pass on whether the challenged member shall be disqualified.

The student shall be presumed innocent and the burden of proving a violation shall rest upon the Delegate. However, the Delegate may establish a violation, in the absence of contrary evidence, by showing (a) that the demonstration was unlawful, and (b) that the student has been reasonably identified as one of those present at the scene of the demonstration. In the event of a conflict in the evidence, a violation by the student must be established by a clear preponderance of the evidence.

Decisions of the tribunal shall be by majority vote.

Participants in unlawful demonstrations should be subjected to disciplinary sanctions appropriate to the offense. While each case must be judged on its individual facts, the following general guidelines are provided:

(1) For initial offenses of a minor nature, the student should be placed on disciplinary probation for one or more semesters. Minor offenses are those which involve no injury to person or property, and no serious or prolonged disruption of University functions.

(2) For repeated offenses of a minor nature, or an offense by a student on disciplinary probation, the student should be censured or suspended. Censure exposes the student to expulsion for a subsequent offense and becomes a part of his record as long as he remains a student in the University.

(3) For offenses of a major nature, the student should be suspended or expelled. Major offenses are those which involve injury to person or property, or disrupt one or more University functions to a significant extent or for a prolonged period.

(4) Students remain responsible for their individual conduct. Individual acts of violence, and individual violations of other University regulations, remain subject to disciplinary sanctions, even though the actions of the group may conform to these rules.

(5) In any case in which the penalty of suspension has been determined, the student should be given the opportunity to withdraw from the University if he so requests.

Comment: In judging the appropriateness of this sanction, several factors deserve mention:

1. This document constitutes a general warning that the sanction of suspension will be imposed in certain cases so that no participant in an unlawful demonstration can claim that he did not realize the seriousness of his misconduct.

2. A further warning of the imposition of sanctions is generally prescribed in these procedures for terminating unlawful demonstrations.

3. This document also constitutes a considered judgment as to the proper limits of activities designed to assert grievances and protest injustice. Thus, in the usual case the motives or objectives of participants will not be held to constitute a justification for their behavior or a reason for not imposing the penalty of suspension if otherwise warranted.

APPEALS AND SPECIAL PROCEDURES

The Joint Committee will entertain appeals by the student from decisions of the tribunal on any ground. Appeals by the Delegate will also be entertained, but only on the following two grounds: (a) procedural error amounting to fundamental unfairness, or (b) gross disparity of penalties.

> Comment: The Joint Committee gives great weight to the decisions of disciplinary tribunals. In the usual case, it would intervene only to assure that proceedings are fairly conducted, i.e., that both the student and the Delegate have an opportunity to present their case fairly. Thus, both the student and the Delegate may appeal on the basis of procedural error amounting to fundamental unfairness. While the student may appeal on other issues -- insufficiency of evidence to support the decision, undue severity of penalty -- the Delegate is limited to the sole additional ground of gross disparity of penalties. This ground is essential to assure that serious inequities do not result in the case of students similarly situated. Without this ground of appeal, it would be necessary to substitute a single centralized hearing tribunal for the disciplinary tribunals in each school.

It is contemplated that procedures for the imposition of penalties will be expeditious. However, no penalty shall enter into force until the student has exhausted his appellate rights. Appellants have five working days in which to file an appeal. Extensions may be granted at the discretion of the Joint Committee. The appeal should contain all arguments and evidence to be presented, as the Joint Committee may choose not to conduct oral argument on such an appeal, but may rely on written briefs by the student and the Delegate and on the transcript of any hearings held in the case at issue. Each party shall have an opportunity to comment upon any appeal by the other party. The sanctions decided upon should take effect no earlier than the date of exhaustion of all appellate rights.

In addition to hearing appeals, the Joint Committee will respond to inquiries about the rules or its procedures.

In the event that the Delegate suspects that a student has committed an act of violence of such magnitude that his continued presence on campus would endanger the University community, the Delegate shall direct that the student appear before the Joint Committee. If, after hearing the Delegate and the student, the Joint Committee concludes that the continued presence of the student on the campus poses a substantial threat to life or property, the student shall be suspended pending resolution of disciplinary charges against him. These charges shall be presented to a disciplinary tribunal at the earliest practicable time agreeable to the student. If the student is exonerated, the suspension shall be expunged from his record.

Columbia University

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".... VI. PROCEDURAL STANDARDS IN DISCIPLINARY PROCEEDINGS

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance, and admonition. At the same time, the College has a duty and the corollary disciplinary powers to protect its educational purpose through the setting of standards of scholarship and conduct for the students who attend, and through the regulation of the use of institutional facilities. In the exceptional circumstances when the preferred means fail to resolve problems of student conduct, proper procedural safeguards are observed in order to insure justice and fairness to those who violate the standards of the College.

A. Investigation of Student Conduct.

Except under emergency circumstances. College premises occupied by students and the personal possessions of students will not be searched unless authorization is obtained from the Office of the Dean of Students. Authorization shall be made before a search is conducted. The authorization shall specify the reasons for the search and the objects of information sought. The student should be present, if possible, during the search.

No form of harassment will be used by College officials in the process of investigating student violations.

B. Disciplinary Procedures.

The Committee on Student Conduct has specific responsibility for student discipline. Its purpose is to relate disciplinary action to the educational process and to provide procedural fairness to accused students, individually or collectively. This Committee is comprised of seven members: three students, three faculty members and the Dean of Students or his representative. One of these faculty members will be elected by the Committee to serve as chairman. The faculty members are elected by the faculty; and the student members are elected by the Student Council. The faculty and student members of this Committee shall not be members of the Student Affairs Committee. It is the responsibility of the Committee on Student Conduct to review and recommend to the Dean of Students policies and procedures regarding student discipline and conduct at Lafayette College and to hear cases of violations by students of College regulations and public laws. In fulfilling these functions, a quorum will consist of five members and decisions will be made by majority vote of those present. A student may appeal the decisions of this Committee to the Faculty Committee on Student Affairs which has the power to uphold, reverse or modify the decisions of the Committee on Student Conduct. If the student elects not to appeal the decision of the Committee on Student Conduct, the rulings of that Committee are final. A further appeal may be made to the President of the College. Each appeal will be limited to a review of the complete records of the case except for the addition of new evidence.

The Dean of Students is the individual designated to be responsible for the enforcement of College regulations. He is empowered to receive information regarding violations of College regulations and public laws and to undertake investigations necessary to determine the extent of a student's participation in those violations. Minor violations are heard and disciplinary actions are taken by the Dean of Students after investigation and after giving the student an informal hearing at which the student or the Dean may be accompanied by an individual of his choice. The Dean of Students may refer any violation to the Committee on Student Conduct. Decisions in cases which could result in expulsion, suspension or disciplinary probation, however, shall be made (with the exception noted in "2a" below) by the Committee on Student Conduct. However, in cases in which, in the Dean of Student's judgment, the welfare of the individual or the College community require immediate action, such action may be taken by the Dean subject to later review.

The following procedures will be in effect in disciplinary cases:

1. The student shall be notified by the Dean of Students that he is accused of violating a College regulation or a public law necessitating disciplinary action by the College and of the particular way in which he has done so, and of his procedural rights.

2. The student shall also be notified that he may elect one of three courses of action: a) he may admit the alleged violation and request that the Dean of Students take whatever action seems appropriate. Should the student elect this course of action, he shall be notified that he is entitled to appeal the Dean's decision to the Faculty Committee on Student Affairs. b) He may admit the alleged violation and request a hearing before the Committee on Student Conduct. c) He may deny the alleged violation in which case the Dean of Students will refer the case to the Committee on Student Conduct.

3. At least 48 hours prior to the hearing, the student shall be given written notification of the time and place of the meeting and a written statement of the specific charges and the grounds for them.

4. The student shall be entitled to appear in person and present his defense to the Committee and may produce either oral testimony or written affidavits on his behalf. The student may also elect not to appear before the hearing body. Should he elect this course of action, the hearing shall be held in his absence. The Committee shall maintain appropriate records of the proceedings and decision which shall be available to the appeal bodies and the accused student.

5. The student may be accompanied by counsel chosen from the student body, faculty or administrative officers of the College throughout the entire disciplinary procedure. The purpose of counsel shall be solely to ensure fairness in presentation and review of pertinent facts.

6. The student may ask questions of the Committee on Student Conduct. The Committee shall grant the student the opportunity to hear and question all adverse witnesses. The student may remain silent on any questions asked of him. However, the hearing body shall not be bound by the rules of evidence used in the conduct of trials and courts of law.

7. The student shall be entitled to an expeditious hearing of his case.

8. Hearings of the Committee on Student Conduct and the Committee on Student Affairs shall be open only to the members of those Committees and participating persons.

9. The student shall be promptly informed in writing of the decision rendered and the reasons for it. When a student is suspended, he shall be informed in writing of the specific conditions on which readmission is based.

10. The student shall be notified of his right to appeal the decision of the Committee on Student Conduct. Should the student appeal, any action taken by the Committee shall be held in suspense until acted upon by the Faculty Committee on Student Affairs.

11. Should the student choose to appeal, his letter of appeal must be received within 72 hours after he has been informed of the decision of the Committee or the Dean of Students. This appeal shall be delivered by the Dean of Students to the Faculty Committee on Student Affairs **which**, for this purpose, will **elect** from its faculty members a presiding officer.

12. A further appeal may be made to the President of the College and thereafter to the Board of Trustees, each of which has the power to uphold, reverse or modify the decisions of the Faculty Committee on Student Affairs."

Lafayette College

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THE ENFORCEMENT AND ADJUDICATION OF UNIVERSITY RULES

Students participate in the University Judicial System on three distinct levels. Matters of academic misconduct are heard by the Committee on Academic Misconduct which includes two student members and three faculty members. The faculty member serving his third and final year on the Committee acts as chairman. Each of the student members has the same voting rights as the individual faculty members. The undergraduate student first became a voting member in 1963 while the graduate student member was added in 1967. Appeals from decisions of the Committee on Academic Misconduct are heard by the Executive Dean for Student Relations who attends all hearings but does not vote during the deliberations.

Due Process in Proceedings of the Committee on Academic Misconduct

(Responsive to 1 g IV)

Following are the elements of due process which protect the rights of students during proceedings of the Committee on Academic Misconduct:

(1) The student's letter of notification contains a copy of the instructor's letter charging him with the alleged offense.

(2) The student is asked to submit a written statement in sufficient time that it may be circulated to the Committee prior to the hearing.

(3) The student is permitted to consult a tenured member of the Faculty, a staff member from the Area of Student Relations, the personnel dean of his college, and the Director of the Counseling Center for their counsel in preparation for his hearing with the Committee.

(4) The student is permitted to bring witnesses to the meeting.

(5) To represent the student at the hearing the following are present:

    (a) A staff member from the Area of Student Relations

    (b) The personnel dean of the student's college

    (c) The Director of the Counseling Center

    (d) The tenured faculty member (if requested by the student)

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(6) Guilt or innocence is determined before the Committee is informed of any previous disciplinary actions or before the Committee may request the academic record.

(7) When the student is informed in writing of the decision of the Committee, he is also notified that he has five days in which to appeal the decision to the Executive Dean for Student Relations.

NON-ACADEMIC DISCIPLINARY HEARINGS

Serious disciplinary matters other than academic misconduct are heard by disciplinary committees of the colleges. Each college determines the composition of its own committee but most colleges have included student members along with faculty members and college administrative members. Student members are afforded the same voting privileges as other committee members. No undergraduate or graduate student may be dismissed, suspended, or have a disciplinary notation entered upon his transcript for a non-academic matter unless there is a hearing by his college discipline committee. Appeals from decisions of the College Disciplinary Committees are heard by the Executive Dean for Student Relations.

Procedures (Responsive to 1 q and 1 t I)

In all cases of reports of student misconduct that are serious enough to warrant the possible disciplinary action of Recorded Disciplinary Probation, Suspension or Dismissal, the incident is investigated by the legally trained Associate Dean, Student Relations (Discipline Coordination). Usually, the first step in such investigation is an interview with the student who has been named as being in violation of University rules.

Reports of misconduct originate from numerous sources. Chiefly, however, from areas such as:

(a) University Faculty and/or staff

(b) University Police Department

(c) City or Suburban area Police Departments

(d) Campus area merchants and/or residents

(e) Owners or operators of student rooming houses

The initial step is a fact-finding procedure to determine if in fact a University rule has been violated and if so, which specific rule and the identity of the person or person responsible for the violation. The student is requested to come to the office of the Associate Dean, Student Relations (Discipline Coordination). On his appearance there he is informed in brief of the report of the conduct that is alleged to be in violation of University rules and requested to make a statement concerning the matter. The student is informed prior to being asked to make any statement that he is not required to make a statement, and that any statement made by him can be used in a later disciplinary proceeding. The student may bring with him to this conference as an adviser a tenured member of the faculty. Where the student specifically requests to bring an attorney to this conference he is permitted to do so. No other category of person is permitted to participate in this interview, however.

The conference with the student is designed to develop, in depth, all facts pertinent to the reported misconduct. Additional investigation is conducted as necessary to establish whatever factors are pertinent.

In those instances where the preliminary investigation (the initial interview with the student) reflects that the report was unfounded or results in a complete denial by the student of any misconduct or fails to develop any substantial evidence of misconduct, or fails to establish that any University rule has been violated, the matter is dropped at this point. The student is informed that no disciplinary referral will be made and that the matter is closed at that point, with no prejudice to him or to his record.

In discipline cases that arise from filing of criminal charges against a student by either campus or other police agencies, disciplinary action is not taken until after final disposition of the criminal charges. This is done to prevent any prejudice to the student in criminal court as a result of University disciplinary action. If the court returns a finding of guilty, University disciplinary action is considered and the finding of the court is considered conclusive as to the question of the student's conduct. A court finding of not guilty, coupled with a denial by the student of any misconduct related to the criminal charges, results in no disciplinary proceeding or referral undertaken by the University.

In those instances where the student who has been requested to come to the Dean's office has in fact been involved in some conduct that violates a specific University rule and this involvement is either voluntarily admitted or substantial evidence links him to the incident, the student is provided an opportunity to explain his involvement, the degree thereof, and the reasons for the involvement. This material, plus information developed through additional investigation, is then reduced to a comprehensive, detailed, written report. If the facts thus developed and recorded in a written report are sufficient to support a reasonable belief that a specific student or students have violated a specific rule, the matter is then referred to the College Discipline Committee of the college in which the student is enrolled. Incidents involving several students from more than one college are heard by a joint Discipline Committee representing all of the colleges involved. At the initial interview with the student, where it appears that the matter will be referred to a Discipline

Committee the student is informed of the fact such a committee will meet at a future date with a general description of the charges to be heard. At this time the procedures of the committee are described to the student.

After the case has been referred to the College Discipline Committee by the Associate Dean, Student Relations (Discipline Coordination), the committee schedules a hearing on the matter. The student is notified in writing by the Associate Dean, Student Relations (Discipline Coordination) of the time and place of the hearing, the specific University rule violation charged, and the facts surrounding the incident that formed the basis for the charge against the student.

Within the several College Discipline Committees, practices and procedures vary to a limited degree. There are, however, minimum standards observed by all College Discipline Hearing Committees, which are set out below.

The Discipline Hearing Committee is composed of a minimum of three persons and one of these members is generally a student enrolled in that college. In those instances where a woman student is charged with misconduct, a woman staff member is a member of the Discipline Hearing Committee. The student is entitled to be accompanied by a tenured member of the faculty. No person not affiliated with the University, however, is permitted to be present or represent the student at this Hearing.

The student has the opportunity to testify in his own behalf, plus the opportunity to present mitigating circumstances, and to have competent witnesses testify in his behalf.

Testimony of witnesses against the student, if not presented in his presence, is made available to the student prior to his testimony, in reasonably adequate summary form, listing the nature of the testimony and other evidence offered against him.

The Discipline Committee members are charged with the responsibility of giving full, careful and conscientious consideration to all evidence presented, both for and against the student, to the end that the decision reached will be fair and reasonable and supported by the evidence. The Discipline Committee is also instructed that in order that the requirements of due process be met it is essential that good cause exist for the disciplinary action taken.

1. Appeal Rights

The Discipline Hearing Committee informs the student at the conclusion of the hearing that disciplinary action recommended by them may be appealed within five calendar days of receipt of notice of the Committee's recommendation. The appeal must be directed in writing to the Executive Dean, Student Relations within the prescribed time period.

2. Report of Hearing

No formal report of the hearing proceedings is prepared. The recommendation of the Discipline Hearing Committee is forwarded in writing to the Executive Dean, Student Relations, who acts thereon.

Ohio State University

REFUSAL TO OBEY ORDERS

" - - -13. Failure to comply with directions of University officials acting in the performance of their duties."

Brigham Young University

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" - - - 3. Willful failure or refusal of any student to obey or comply with any proper order or summons of any authorized University official acting within the scope of his authority ...."

University of Iowa

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" - - - 11. Failure to comply with the directions of university officials acting in the performance of their duties;"

Ohio University

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STUDENT'S REFUSAL TO IDENTIFY HIMSELF

".... Any student engaged in a demonstration declared unlawful by the Delegate must, upon request, identify himself to anyone who identifies himself as the Delegate or his agent."

Columbia University

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"....9. No student shall refuse to give his name to an officer of the University. A student shall deliver his Identification Card to an officer of the University upon request.

Harvard College

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"....or willful failure or refusal of any student to identify himself by stating his name and showing his student indentification card upon request of any dean, faculty member, campus security officer, or other authorized University official acting in the performance of his duties."

University of Iowa

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IDENTIFICATION OF STUDENTS

The Ohio State University has no regulation which requires a student to identify himself upon the request of a responsible University authority. Although the use of student identification cards has been under active consideration for the past eight years, not even this common means of identification has been adopted.

It should be understood that the special policemen of the University have been given the statutory power to "arrest, without warrant, any person trespassing upon the grounds or destroying property of the institution, or violating a law of the state or violating a rule or regulation properly prescribed by the governing board of the institution . . ." and that pursuant to this authority they may require a student, or any other citizen, to furnish proper identification. The Ohio State Highway Patrol, which would supplement the Campus Police in the event of a major disruption has similar authority.

Ohio State University

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".... 9. Failure to comply with directions of university police and any other law enforcement officers acting in performance of their duties and to identify one's self to these officers when requested to do so;"

Ohio University

"DISSENT", "DISRUPTION", "HINDRANCE", "INTERFERENCE", "DISORDERLY CONDUCT"

"- - - 4. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities, including its public service functions, or of other authorized activities on University premises."

"- - - 12. Disorderly, lewd, indecent, obscene or otherwise illegal or immoral conduct or expression on or off campus."

Brigham Young University

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"- - - 8. A student who is guilty of an offense against law and order at the time of a public disturbance or unauthorized demonstration or who disregards the instructions of a proctor or other University officer at such a time may be liable to severance of connection.
The mere presence of a student at a disturbance or unauthorized demonstration makes him liable to disciplinary action."

Harvard College

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"- - - 5. Alone or with others, purposefully--
(a) disrupting, hindering, or impeding the functions or orderly processes of the University;
(b) obstructing or denying access to services or facilities by those entitled to use such services or facilities as provided by the University; or
(c) interfering with the lawful rights of other persons on the campus or with the free, convenient, or normal use of University buildings, facilities, or campus,
or inciting, urging, or encouraging others to do so; provided, however, that this section shall be construed so as not to abridge any student's First Amendment Constitutional rights of free expression of thought or opinion, peaceable assembly, or the petition of authorities."

The University of Iowa

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Students and student organizations are free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They are free to support causes by orderly means, including any means of peaceful assembly or advocacy which do not interfere with or disrupt the operations of the College.

Actions by individuals or groups to prevent speakers invited to the campus from speaking, to disrupt the operations of the College, or to obstruct and restrain other members of the College community and campus visitors by physical force are destructive of the pursuit of learning and of a free society. All members of the Lafayette College community are under a strong obligation to protect its processes from these tactics.

Lafayette College

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"....G. The institution will not permit any person or persons to intentionally interfere or disrupt the ordinary and normal processes of the academic program or of campus social life."

Statement by Harry Manley, President
Muskingum College

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"....4. The Board expresses complete confidence in the administrative officers of the University and directs them to take prompt and effective action in case of any future attempt to engage in tactics which disrupt the orderly conduct of the University. To this end the Board formally adopts the following statement as the policy of the University:

'Northwestern University stands for freedom of speech, freedom of inquiry, freedom of dissent and freedom to demonstrate in peaceful fashion. The University recognizes that freedom requires order, discipline, and responsibility, and stands for the right of all faculty and students to pursue their legitimate goals without interference. This University, therefore, will not tolerate any attempt by any individual, group or organization to disrupt the regularly scheduled activities of the University. Any such effort to impede the holding of classes, the carrying forward of the University's business or the arrangements for properly authorized and scheduled events, would constitute an invasion of the rights of faculty and students and cannot be permitted. If any such attempt is made to interfere with any University activity, the leaders and participants engaged in disruptive tactics will be held responsible and will be subject to appropriate legal and disciplinary action, including expulsion.'"

Northwestern University

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DISRUPTIVE ACTIVITIES BY STUDENTS

There is no University regulation which effectively covers disruptive activities on the part of students. Students who have been involved in minor disruptive activities in the past have been charged with violation of the general conduct rule which reads, "Individuals and organizations must consider themselves obligated at all times and all places to so conduct themselves, individually and as groups, as to reflect only credit on the University. All students, as members of the University community, whether residing on campus or in adjacent areas, are expected to observe all applicable city ordinances and state statutes. Failure to comply with such laws and regulations can result in the assessment of disciplinary action.

POLICIES COVERING DISRUPTIVE ACTIVITIES

Although lacking a specifically worded regulation, The Ohio State University does have a carefully constructed series of policies for coping with the disruptive activities of students. The policies may be summarized as follows:

(1) Students are permitted the widest possible latitude in expressing their viewpoints. This includes picketing which does not block access to a building and "sit-in" demonstrations which do not disrupt the orderly academic process of the University agency within the building.

(2) It is the Dean of the college or the official responsible for the specific building affected, who determines the point at which the operations of his agency are disrupted.

(3) Warnings are given to the students that their actions are disrupting the normal processes of the agency in question and that they should immediately cease and desist their activities. They are informed specifically how they may continue their demonstration in a manner which is not disruptive. The warnings are given by:

- (a) The Dean of the College or the official in charge of the affected operation.
- (b) The Associate Dean, Student Relations (Disciplinary Coordination).
- (c) The City Prosecutor (if available).

(4) If the students do not cease and desist their activities or modify them in such a manner as to permit the undisrupted operation of the agency, the Campus Police and/or the State Highway Patrol will arrest the violators and clear the area.-----

It is assumed that each individual professor has the right to maintain order in his classroom by asking a student or group of students to leave temporarily or permanently.

Ohio State University

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"....1. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other university activities, including the university's public service functions or of other authorized activities, on university owned or controlled property;

2. Obstruction of the free flow of traffic, both pedestrian and vehicular on university owned or controlled property;

12. Disorderly conduct, breach of the peace, and aiding, abetting or procuring another to breach the peace on Ohio University owned, or controlled property or at university sponsored or supervised functions."

Ohio University

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In accord with these principles the following University policy was outlined:

1. All members of this community are encouraged to register their dissent from any decision on any issue and to demonstrate that dissent by any orderly means.

2. Any demonstration of dissent that is converted into any interference with the freedom of other members of the academic community is a threat to the freedom and openness of our society.

3. Any such incidents that may occur and any such problems that may develop will be dealt with internally as an extremely serious matter.

Rutgers University

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Policy:

Each student or a student group has the right to express disagreement on a particular subject or to submit proposals for consideration, provided this right is exercised in an orderly fashion.

However, the kind of conduct which restrains either the freedom of expression or the freedom of movement of others who may not agree or which is disruptive of University operations in anyway is simply unacceptable in an intelligent community and in a democratic society.

St. Louis University

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At Tulane we respect the constitutional rights of individuals and we believe that these rights are sustained by acceptance of the responsibilities that make them possible. Civil disobedience is not accepted as a right. Tulane permits expression of views by peaceful picketing and demonstrations on campus under specific rules as to where, when and how. However, we will not tolerate interruption of the normal processes of the University, such as academic functions, administrative functions, business functions, and recreational activities on campus. We intend to safeguard the right of each student to partake of any University program or service, especially the attendance of classes. No individual or group can be given the right by demonstration, picketing, sit-in, or other device to impede regularly scheduled University functions. We will not permit dissent to deprive students of their rights to the educational opportunities that brought them here. Should problems arise which cannot be solved through normal channels of communication, I shall make myself available for prompt consultation.

Parties desiring a peaceful assembly will be accommodated with facilities in accord with the policies of this University on use of our facilities. If necessary, they will receive protection by University Security Police. All members of the University community should understand that Tulane does not condone illegal or extra-legal actions on its campus. Nor will it yield to threats of violence and disorder. It will seek to maintain order and respect for law without which freedom is impossible.

Tulane University

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[Note:- The following is from "Proposed Codes with Commentary:- Student Conduct and Discipline Proceedings in a University Setting", published August, 1968 by the New York University School of Law. It is the product of a "Research Seminar on Student Conduct" composed of sixteen students and four faculty members.]

"....4. Freedom of Protest. The right of peaceful protest within the university community must be preserved. The university retains the right to assure the safety of individuals, the protection of property, and the continuity of the educational process.

Commentary. Times of turbulence and student unrest require special forbearance on the part of university officials in tolerance of demonstrations and protests in opposition to university policy. Even when the subject of the demonstration or protest is not clearly relevant to the educational process or to university functions, the university must be at least as hospitable to this form of expression of opinion as would the outside community where inconvenience and even some interruption of normal activity are accepted as the price paid for freedom of expression."

PICKETING AND OTHER DEMONSTRATIONS

Picketing and other demonstrations are hereby declared to be in violation of University regulations if participants:

(a) Gather in such fashion as to physically hinder entrance to, exit from, or normal use of a University facility;

(b) Create a volume of noise that prevents members of the University from carrying on their normal activities (use of bull-horns or sound amplification equipment must be subjected to particularly careful control under the enforcement procedures described hereafter);

(c) Employ force or violence, or constitute an immediate threat of force or violence, against persons or property;

(d) Congregate or assemble within University buildings in such fashion as to disrupt the University's normal functions or violate the following rules:

1. No group may be admitted into a private office unless invited, and then not in excess of the number designated or invited by the occupant. Passage through reception areas leading to private offices must not be obstructed.

2. Corridors, stairways, doorways and building entrances may not be blocked or obstructed in violation of the regulations of the New York City Fire Department or of the University. Clear and unimpeded passageway must be maintained at all times. For this purpose the Proctor may set a limit on the number of picketers or demonstrators who will be permitted in such areas.

3. Rooms in which instruction, research or study normally take place may be occupied only when assigned through established University procedures.

4. Any noise which interferes with the work or study of persons in a building will not be permitted.

5. Buildings must be cleared at the normal closing time for each building unless other arrangements are approved in advance.

(These five limitations are substantially
those proposed in the "Student Life Report.")

The Proctor shall be informed of the time and place of demonstrations in advance of any public announcement of plans for a demonstration. He may prescribe only such limitations on the areas in which demonstrations are held as are reasonably necessary to avoid physical harm or physical conflict between groups of demonstrators. He should also advise students as to whether their planned demonstration is consistent with these rules.

Decisions of the Proctor as to numbers of indoor demonstrators and as to the area in which a demonstration is held (as set forth above) shall be binding unless and until they are reversed or modified on appeal to the Joint Committee.

-----The President shall designate a University official who will have principal authority for enforcement of these rules (hereafter referred to as the Delegate).

-----Should any member of the University believe that an assembly or other demonstration violates the rules listed above, he may notify the Office of the President by calling the Security Office. The President's Delegate shall proceed to the site of the gathering and determine if the stated rules have been violated. (In this and in all subsequent instances, the Delegate may act through an agent or representative.) If the Delegate finds that the assembly violates the rules, he shall prescribe modifications in the conduct of the assembly and allow a reasonable time for making the necessary adjustments. If the assembly fails to make the prescribed adjustments, the Delegate shall rule that the assembly is thenceforth unlawful and shall order immediate termination. Participants and spectators who fail to disperse shall be liable to University discipline as described below and the Delegate shall warn them of that fact.

> Comment: The Delegate is given the initial task of determining whether a demonstration is unlawful or not. With respect to most situations, the rules themselves provide reasonably clear guidelines. In doubtful situations, the Delegate's judgment should be respected. However, the Delegate's decision is always subject to review in subsequent disciplinary proceedings and an adverse declaration by the Delegate does not make a lawful demonstration unlawful. By the same token, a belief by a student that the Delegate has made a mistake does not make an unlawful demonstration lawful, or exonerate or excuse the student, if the Delegate has properly declared that the demonstration is unlawful.

Columbia University

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"....6. Alone or with others, willfully picketing or otherwise demonstrating--

> (a) within the interior of any University building or structure, except areas specifically authorized for such purposes;
>
> (b) at any place or in any manner which unduly obstructs, hinders, impedes, or otherwise unduly interferes with the entrances to or passageways within any University building or other structure or with the normal flow of pedestrian or vehicular traffic on or to the campus;
>
> (c) at any time or place or in any manner which unduly disrupts, hinders, or otherwise unduly interferes with the normal operation or function of any University classroom, office, library, dormitory, or other function, including the normal functioning of the physical plant;
>
> (d) in a disorderly or disruptive manner or in any manner which results in or creates an imminent and unreasonable risk of injury to persons or destruction of property; or
>
> (e) after having been properly ordered to stop doing so and/or to disperse by a campus security officer or other authorized University official who reasonably believes such action is necessary to preserve public order and safety."

The University of Iowa

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As the result of a picketing incident during the 1960-61 academic year, an Ad Hoc committee drafted the following guidelines for student pickets which appear in the STUDENT HANDBOOK OF RULES AND INFORMATION:

Legal Rights and Limitation

> Orderly picketing is a legally recognized form of expression. It recognizes the individuals' right of free expression subject only to such reasonable limitations as are properly imposed by legislation, regulation, codes, and decisions of the courts intended to protect the rights of the picketer, the student body, and the public with particular concern for safety, preservation of the normal academic life and order, and the protection of persons and property. Such matters as time, place and manner of picketing, and numbers of picketing persons are therefore eligible subjects for some reason-

able and properly legislated restrictions as well as self-regulation. Reasonableness here will be defined in subsequent legislation, if required, with full participation by all interested parties working through established University channels and procedures.

Consultation Procedure

The principles and practices herein recorded as applicable to the immediate times are now in effect until more specific rules are determined to be necessary and if so, are properly formulated through regular University channels. These principles and practices have been studied and accepted in principle by representative students and staff members of the Student Senate, representatives of the faculty, campus police staff, and the members of the President's Cabinet whose areas are immediately concerned with picketing activity. The preparatory meetings held have been extensive in number and represent a series of separate meetings as well as joint meetings where all elements were represented and heard fully.

No Present Limitations

Limitations on the hours during which picketings would be expected to take place may be required here if experience should show that there is interference with classroom work. Since no current problems are known, no guidelines nor regulations seem to be required.

Places to Picket

With respect to places where picketing may be carried on, a considerable body of law with definitions from court judgments has been developed and picketing persons are expected to familiarize themselves with the legal bounds which may apply. For example, picketing is not permitted inside public buildings. Outside picketing may not be carried on so as to interfere with entrance and the normal flow of pedestrian and vehicular traffic. Pickets may not interfere by mingling with organized meetings, parades, rallies, or other scheduled assemblies of people since this invades their right to meet without such interference.

In the University situation, there may be areas properly declared as off-limits to picketers where special silence, other welfare or safety factors, for example, are involved. The University Hospital and Health Center and all residence hall areas are now closed to picketing. The south residence hall area is defined for this purpose by sidewalks on both sides of West 12th Avenue, on West 11th Avenue, and the parking lots west of the Law Building. It is anticipated that boundaries for the North and West Residence Hall areas will be delineated in the near future.

Additional Factors

There are additional definitions of picketing prescribed by law which picketers are expected to know. For example, verbal exchanges and exhortations to others to act are not acceptable actions, since picketing is defined as a right of individual expression rather than action. In this sense, exhortations to others to join in picketing activities is not proper. Noise making is not proper nor is indecent language on picket signs for it is considered beyond legal and reasonable methods for the espousal of any cause for which picketing is done.

In case an unexpected disturbance is developing, the picketers are expected to dissolve themselves to regroup nearby or elsewhere rather than to stand their ground to encourage a conflict, this action to be accompanied by the fullest possible measure of police protection to all parties involved.

Number of Pickets

The number of pickets acceptable and permitted may be indicated in the interest of the safety of the picketers and the public according to legal cases. This is a part of the expected procedure intended to protect the picketers, the anti-picketer group which may take form, and members of the public, both interested and disinterested bystanders, all of whom have a right to the fullest possible measure of protection by police.

Since it may not be possible to limit numbers of pickets by preagreed formulae applicable to all places and situations, the courts have recognized that notice of the intention to exercise the right to picket may be required in order to give police officials an opportunity to plan for an adequate protective force in case a disturbance is created or any other emergency should develop. Similarly, the right to limit numbers is established as a reasonable safety precaution, whereby excessive numbers of picketers may be asked by police to remove themselves where the risk of their safety or the public safety is clearly evident.

Voluntary Registration System

Here the Student Senate office has been accepted as a registration center and as much due notice as possible of intent to picket is hereby requested. Although this is not a compulsory registration program, it will be the basis on which police protection will be planned and the interests of all segments of the

> campus community will be better served by full cooperation as indicated.

The above guidelines, however, do not have the effect of regulations and call only for voluntary compliance. They do not reflect changes in law and custom over the past seven or eight years. Particular attention is directed to the fact that the prohibition against picketing inside public buildings does not speak to the problem of "sit-in" demonstrations which have, on occasion, been tolerated.

Ohio State University

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"However, we will not tolerate interruption of the normal processes of the University, such as academic functions, administrative functions, business functions, and recreational activities on campus. We intend to safeguard the right of each student to partake of any University program or service, especially the attendance of classes. No individual or group can be given the right by demonstration, picketing, sit-in, or other device to impede regularly scheduled University functions. We will not permit dissent to deprive students of their rights to the educational opportunities that brought them here. Should problems arise which cannot be solved through normal channels of communication, I shall make myself available for prompt consultation."

Tulane University

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UNAUTHORIZED OCCUPATION OR ENTRY

"....Unauthorized entry to or use of University facilities."

Brigham Young University

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"...Unauthorized entry into or occupation of any room, building, or area of the campus at any time or of any public building or area at any unauthorized time, or any unauthorized or improper use of any University property, equipment, or facilities."

The University of Iowa

The policy of the University on matters recently in controversy has been consistent and it has been clear. This policy is in three parts:

1. To assure free and equal access to University services for all students
2. To maintain orderly operation of the University tolerating no obstructions of programs
3. To protect and foster free expression of thought and opinion including the traditional American rights to assemble peaceably and to petition authorities.

Statement by Howard R. Bowen, President
The University of Iowa

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"...3. The Board of Trustees deplores the unlawful action of the students in occupying the Business Office. The Board does not subscribe to the philosophy that adherence to a cause justifies unlawful action and the consequent infringement of rights and curtailment of freedom of others. In order that there be no misunderstanding, negotiations will not again be conducted by the University while unlawful or disruptive activity is in progress. The University will take whatever action is necessary to terminate unlawful activities."

Northwestern University

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"....Unauthorized entry to or use of university facilities, including both buildings and grounds;"

Ohio University

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[Note:- The following is from "Proposed Codes with Commentary:- Student Conduct and Discipline Proceedings in a University Setting", published August, 1968 by the New York University School of Law. It is the product of a "Research Seminar on Student Conduct" composed of sixteen students and four faculty members.]

".... b. Control of University Buildings. Peaceful picketing and other orderly demonstrations are permitted in public areas of university buildings, including corridors outside auditoriums and other places set aside for public meetings.

Commentary. Where University space is in use for an authorized university function, whether conduct of a class, a public or private meeting under approved sponsorship, normal administrative functions, or service-related activities, (e.g., health services, recreational activities, or personnel placement), respect must be accorded any reasonable regulations imposed by the person in charge. That is, any requirement to desist from specified activities or to leave the premises must be obeyed unless manifestly unreasonable or outside the scope of authority of the person issuing the requirement."

DESTRUCTION OF PROPERTY

"....Forgery, malicious destruction, damage, alteration or misuse of University documents, records, or identification, including library materials."

"....Theft of or damage to property of the University or of a member of the University community or campus visitors."

Brigham Young University

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"....8. Intentional setting of fire in any University building or on the campus without proper authority, or intentional sounding of a false fire alarm in any University building or on the campus.

9. Theft or wrongful appropriation, or willful destruction, damage, defacing, or mutilation of any property belonging to or in the possession or custody of another member of the University community, the University, or the State of Iowa."

The University of Iowa

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"...Theft of or damage to property of the university or of property of a member of the university community or the property of a visitor to the university; ...."

Ohio University

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"....Recommendation VIII: Destructive Behavior Damaging to Persons and Property

We recommend that disciplinary action be taken in cases where student behavior is (1) damaging to property or inflicts physical harm on persons, as, for example, an assault on a person, an act of stealing, or a defacing of property; (2) disruptive and disturbing to other persons, as, for example, excessive noise; and (3) obscene, as, for example, indecent exposure or the shouting of obscenities.

Supplementary Explanation:

The Advisory Committee wishes to express its concern over incidents that seem to occur with some frequency on the Brown campus in which students throw bottles and objects through windows. Such actions lead not only to property damage -- itself a serious matter -- but may seriously injure other students. We feel that severe disciplinary sanctions may be appropriate when such incidents can lead to serious personal injury. It may be that in the past University discipline has not been as severe as the circumstances would warrant.

The Committee further feels that, where it can be shown that a residential unit is a source of a consistent pattern of behavior damaging to property and potentially injurious to persons, disciplinary sanctions ought to be levied, not only against individual offenders, but against the entire residential unit."

Advisory Committee on Student Conduct
Brown University

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VIOLENCE, ASSAULT, HARASSMENT, ABUSE, THREAT

"....5. Physical abuse of any person on University-owned or supervised property or at University-sponsored or supervised functions or conduct which threatens or endangers the health or safety of such person."

"....8 Vandalism, stealing, or kidnapping committed either on or off campus."

Brigham Young University

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"....Recommendation VI: On-Campus Students Protests

We recommend that those forms of on-campus student protest whose distinctive character is physical force or physical obstruction be made liable to University discipline following hearings that conform to our recommended procedures for disciplinary cases.

Supplementary Explanation:

Protest deserves recognition in a university dedicated to the challenge of diverse ideas. As affirmed in the recent Brown Statement on Academic Freedom, there should be no limitation on the free exchange of ideas. It is well to recognize that lively controversy at times may include protest of university decisions and policies by members of the university community. But such protest need not and must not be at the expense of physical abuse of persons and property or of physical confrontations that substitute physical force for orderly efforts to proselytize for or against particular policies."

Advisory Committee on Student Conduct
Brown University

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"....10. Assaulting, threatening, physical abusing, unduly harrassing, or endangering in any other manner the health or safety of any person on the campus or at any University sponsored or supervised function or event."

The University of Iowa

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"....3. Physical abuse or detention of any person on university owned or controlled property or at any university sponsored or supervised functions, or conduct which endangers the health or safety of any person :"

Ohio University

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"The University will not abdicate or delegate the ultimate responsibility vested in the officials of the University to maintain proper order and decorum on the campus. All parties should be on notice that any demonstrations of a violent nature will be dealt with promptly and decisively, with such means as the circumstances may warrant, including local police assistance, if necessary. Offenders will be dealt with firmly. Tolerance and good faith will be expected of all."

"The courts have stated that the power of the university for disciplinary action is derived from its inherent powers of self-government and self-organization, and to carry out its educational purposes. Further, the courts have held that, in an academic community, greater freedoms and greater restrictions may prevail than in a society at large, and the fixing of these limits should, in large measure, be left to the educational institution itself. The faculty of any university must play an important role, not only in the academic life of the university, but also in aiding the university to maintain a climate where all elements of the university may work together in harmony."

"The University has well-established procedures to handle situations that may arise should an individual student or group of students violate the general rules of conduct which have been adopted by students and faculty working together. These procedures provide for a fair and orderly hearing on charges made and on defensive statements. If the charges are upheld, penalties imposed may include monetary fines, loss of academic credit, suspension from the University or expulsion."

Tulane University

FIREARMS, AMMUNITION, EXPLOSIVES

".... 4. No student may keep firearms or ammunition in his room unless he has obtained a special permit from the Dean or the Master. Possession of explosives, firecrackers, and potential ingredients thereof is forbidden. Violation of this rule will lead to severe disciplinary action."

Harvard College

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"....11. Use or possession of serviceable firearms, ammunition, explosives, fireworks, or other dangerous articles within any University building or University approved housing, on the campus, or at any University sponsored or supervised function or event, except in authorized storage facilities."

The University of Iowa

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"....10. Illegal or unauthorized possession or use of firearms, explosives, dangerous chemicals or other weapons on university owned or controlled property;...."

Ohio University

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NARCOTICS

"....10. Use, possession or distribution of narcotic or other dangerous drugs, including but not limited to amphetamines, barbiturates, hallucinogenic drugs, marijuana and lysergic acid diethylamide (LSD) except as they may be prescribed by a licensed, practicing physician."

Brigham Young University

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"....Recommendation X: Drugs

We recommend that the University not condone the possession, use, or distribution of marijuana, LSD, or other hallucinogens and narcotic drugs. Students known to be possessing, using, or distributing such drugs will be liable to disciplinary sanctions. In addition to the legal considerations involved, the use of these drugs is frequently suggestive of medical problems or of difficulties in personal adjustment. The University's primary concern in this policy area should be with the emotional and physical health of its students.

Supplementary Explanation:

The question of drugs is in part a complex one. There is no doubt that the use of a drug such as heroin has a disastrous impact on the user, and there is growing evidence supplied by the most reputable medical authorities that a "fad" hallucinogen such as LSD can lead to tragic psychic and physical results. The matter of marijuana is more difficult. It is technically non-addictive, and it is possible to argue that its use is no more harmful than the drinking of liquor or the smoking of tobacco -- hardly an endorsement for the desirability of smoking marijuana. There is, however, some medical evidence indicating that marijuana smoking may have psychologically harmful consequences for the users.

But, in any event, there are at least two compelling reasons why the University is justified in refusing to condone the possession, distribution, and use of marijuana by its students. First, and most simply, the use of marijuana violates the laws of Rhode Island and of the United States. There is something to be said -- indeed, much to be said -- for the proposition that laws in a democracy should be obeyed, whether they are controversial civil rights laws, or irksome traffic regulations -- or laws restricting the use of marijuana. In a larger sense, it should be pointed out that the smoking of tobacco or the drinking of liquor, which many persons admittedly regard as harmful, have a pervasive social acceptability that marijuana, at least in the year 1967, does not have. Second, whether the Federal and State statutes outlawing marijuana are wise or foolish, they are enforced, and their effect is to restrict much of its illicit distribution and sale to sources which also supply LSD and hard narcotics. Students who regularly use a drug such as marijuana are likely, sooner or later, to come into contact with the promoters and the suppliers of such hallucinogens and narcotics; and the suppliers' interest is probably less with matters of "personal" student rights, than it is with profits at any price.

A university, we believe, may properly guard against the dangers inherent in the use of drugs and hallucinogens, though always with the welfare of its students as its primary motivation."

Advisory Committee on Student Conduct
Brown University

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"....13. Use, possession, or sale of any narcotic drug, marijuana, or other addictive or hallucinogenic substance, except as expressly permitted by law."

The University of Iowa

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"....8. Use, possession, or distribution of narcotic or illegal drugs on university owned or controlled property, except as expressly permitted by law;...."

Ohio University

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"Possession or Use of Drugs

Wesleyan University has taken a clear position with respect to the possession or use of drugs. But some students, perhaps hoping to dodge responsibilities to themselves and others, have said the policy is ambiguous. It is not:

> Wesleyan University unequivocally disapproves of the illegal possession and/or professionally unsupervised use of hallucinogenic or narcotic drugs by any member of the community. It will be an especially serious offense to sell, provide, share or distribute drugs illegally. Any such offense may result in separation from the University

for the offender.

Other students say this policy lacks force because it does not say exactly what the University will do in given circumstances. This is absurd as a practical matter because it is not possible to anticipate all circumstances. It is senseless from an educational point of view because the University ... all of us ... must be prepared to consider the well-being of the individual in addition to the well-being of the community in any given situation. Flexibility of approach to each case is a clear necessity.

It should no longer be necessary to remind anyone who is open to critical reflection of the dangers of drug use to an individual and to the community. Some drugs are addictive. Biological and medical scientists are in substantial agreement that others,including some if not all of the newer hallucinogenic drugs, cause physical and psychic damage in an unacceptably large proportion of the users. Moreover, drug use is generally consciousness-limiting, preventing the user from taking full advantage of the educational experiences otherwise open to him. The drug-taking becomes the central focus of his existence.

In addition to these considerations, the use of drugs constitutes a clear disruptive force within the community and this fact exists quite apart from the question of illegality. An individual who uses drugs is in at least indirect contact with an explicitly criminal element. He cannot enter into any such relationship on his own terms, with assurance that he will be able to control the rules of the game. He may invite intrusions within the community by informers to law enforcement agencies and any such intrusion would tend to disrupt the trust necessary within a university. Moreover, the illegal use of drugs necessarily involves a furtive and secret pattern of behavior counter to the openness properly characteristic of academic life.

It is important to be clear that the penalties under both federal and state laws can be severe. For example, under Connecticut Public Law 555, which became effective on October 1, 1967, an individual may be sentenced to prison for up to ten years and/or fined $3,000 for possessing marijuana; and may be imprisoned for at least five years for giving or selling marijuana.

The Wesleyan policy, unlike the law, is not punitive in its essential orientation. Therapeutic and counselling assistance are available on a confidential basis for all in the community who may seek help. It is the firm policy of the University to maintain the confidentiality of all such relationships.

The University has now secured the services of a clinical psychologist, who will join the other two psychologists on the counselling staff in March. In addition, a full-time residential psychiatrist will be added to the medical staff. Members of both the medical and the counselling staffs will to the extent possible hold meetings with small groups of students to discuss medical and related aspects of drug usage and to answer questions.

Many in the community are legitimately interested in the implications of this question. Books and articles concerning drugs have been placed in the eastern end of the Public Affairs Reading Room in Olin Library and all may be borrowed for a seven-day period. Other articles are available in this section and in the main lobby of Olin Library and may be taken on a non-return basis. Duplicate copies of the books available in the Public Affairs Center Reading Room will be available in the Psychology Library on the first floor of Judd Hall and may be borrowed for four weeks.

There may be other steps the University can and should take to help advance knowledge and guide students. The crucial steps must, however, be taken by students. There has been an apparent feeling that the University's failure to inspect rooms or otherwise seek out evidence of drug involvement means that students can (for example) "experiment" with impunity. Every student is now alerted to the fact that no one at Wesleyan can use or possess drugs without imperilling his position in this community. It must be absolutely clear that any individual who flouts University policy, failing to take advantage of the guidance or therapeutic help available to him, will have demonstrated his non-responsibility to the community and may subject himself to serious disciplinary action. "

Wesleyan University

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ALCOHOL

"....15. Use of tea, coffee, alcoholic beverages or tobacco in any form."

Brigham Young University

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".... Recommendation XVII: Alcoholic Beverages in Student Rooms

We recommend that the University not forbid the possession of alcoholic beverages in student rooms, but that, in a revised handbook for students, it call attention to the fact that the State of Rhode Island has a law against the sale to and possession of alcohol for persons under the age of twenty-one .

Supplementary Explanation:

The adoption of this recommendation will not go beyond presently existing rules at The College. Our exploration of this subject led to the discovery that no written rule prohibits the possession of alcoholic beverages in students' rooms.

The problem of alcohol is another difficult one, but we regard it as distinctly different from the problems surrounding marijuana and narcotic drugs. Unlike these, it is socially acceptable in the United States to drink alcoholic beverages, and the laws of the United States and of virtually every state (including Rhode Island) treat alcohol as a legitimate beverage to be consumed. Most states prohibit its sale to and possession by persons under the age of twenty-one; New York state, however, restricts alcohol only to persons under the age of eighteen. Moreover, many -- probably a strong majority -- young persons grow up in homes where the parents drink socially and where they are permitted to drink under parental supervision. Although many persons may deplore this, we regard this to be a fact of life in American society. We doubt that it can be ignored by colleges and universities, many of whose administrators, faculty, and trustees drink socially. This legal and social acceptability that surrounds alcohol does not, we again note, surround a substance such as LSD or marijuana. Not only is the private use of these substances outlawed in the United States, but we presume that the over-whelming majority of college students do not come from homes where their parents entertain by passing out LSD sugar cubes or marijuana sticks.

The Advisory Committee is concerned with the problem of students who drink to excess, and we are in favor of applying strict rules against those who behave in a disruptive and gross fashion under the stimulus of alcohol. In this connection we call attention to Recommendation VIII in our report. We are concerned, too, with the medical and psychiatric problems associated with excessive drinking, and we urge that this be one of the subjects covered in the counselling and educational program proposed in our Recommendations XIII and XIV. It should be noted, however, that our inquiry into student behavior patterns at Brown University has uncovered no evidence that the disease of alcoholism is a problem among our students.

Recommendation XVIII: Alcoholic Beverages During Parietal Hours

We recommend that there be no rule prohibiting the consumption of alcohol during parietal visiting hours, and we again call attention to Recommendation VIII.

Supplementary Explanation:

In our view this recommendation is the only realistic one given our Recommendation XVII. We again direct attention to Recommendation VIII, to the fact that present College rules do not prohibit the possession of alcoholic beverages is student rooms, and to our supplementary comments for the preceding recommendation.

More importantly, we are convinced that the moderate consumtion of alcoholic beverages in the context of small and informal gatherings by two or three couples rarely leads to excessive drinking or to uncivilized behavior. On the contrary, behavioral patterns at The College indicate that excessive and potentially harmful consumption is almost exclusively associated with the large, registered parties and is most frequently engaged in by single males without a date. Very realistically, we regard our recommendation, not as one that will promote and stimulate alcoholic consumption, but as one that will make possible civilized social behavior in a more quiet atmosphere, and that it may lead to a de-emphasis of the "blast" party with its many undesirable characteristics.

Recommendation XIX: Delivery of Alcoholic Beverages to Residential Units

We recommend the retention of restrictions on the delivery of alcoholic beverages to the residential units.

Pembroke College

Recommendation XXIII: Alcoholic Beverages

We recommend that our Recommendations XVII, XVIII, and XIX be made applicable as well to Pembroke College."

Advisory Committee on Student Conduct
Brown University

"....Possession or consumption of any alcoholic or other intoxicating beverage within any University building or University approved housing (except married housing), on the campus, or at any University sponsored or supervised function or event, except as expressly permitted under Social Regulations, Section 2, of the Code of Student Life.

Drinking. Alcoholic beverages may not be served on campus or in approved housing. If alcoholic beverages are served at a registered social function (not held on the campus or in approved housing), it is the duty and responsibility of the sponsoring organization to provide adequate supervision and to ensure full compliance with all applicable civil laws pertaining to the consumption of alcoholic beverages."

The University of Iowa

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"It is anticipated that we will continue our policy of allowing students to make their own rules with respect to such areas of "primary" student interest as ...., ..., liquor, etc."

Ohio State University

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Use of Alcohol

Under Connecticut law, alcoholic beverages cannot be sold or served to a person who is less than 21 years of age and anyone under that age may be prosecuted for purchasing or attempting to purchase liquor, or for falsifying his age to do so.

The law in this case, as contrasted with the law regarding drugs, draws a distinction based on age and the age limit varies from state to state. It does not say that possession or use of alcohol is illegal. It simply says some things cannot be done by some people.

Society has not (through its laws) said that the use of alcohol is necessarily disruptive. Neither has Wesleyan. But society has provisions for the arrest and penalty of people whose conduct is disorderly, as in the case of the offensive drunk. Wesleyan is equally unprepared to tolerate offensive public displays, the disruptions caused by a disorderly person, or other misuses of alcohol.

The University is no more disposed to be an arm of the law in this case than in any other. Its judgments concerning any apparent misuse of alcohol (or automobiles, or other properties) must and will be based on the purposes and functions of the community.

Implications of the law for Wesleyan as an institution are not entirely clear and University policy disapproving of the service of liquor to a minor has been unevenly applied. The types of control or restrictions the University must have if it is to avoid incurring liability as an institution are now being considered in consulation with counsel. A more rational and consistent approach in this area is needed and will be announced when research has been completed.

Wesleyan University

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GAMBLING

"....Gambling within any University building or University approved housing, or on the campus."

The University of Iowa

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"NON-ACADEMIC CONDUCT"

ASPECTS OF NON-ACADEMIC CONDUCT IN WHICH THE UNIVERSITY INTERESTS ITSELF

The Ohio State University reserves the right to make inquiry into those aspects of student conduct (non-academic) whether occurring on campus or off campus, that bear on the question of the fitness of the student for continued membership in the academic community. The criteria for making this determination is whether the conduct in question has a material and direct impact on the academic community and the central purposes of the educational institution (in the sense of imparting learning and advancing the boundaries of knowledge). Conduct that interrupts or impedes this central purpose or interferes with the attainment of the legitimate educational goals is scrutinized by the University to determine its impact on the central purpose and function of the University and determine whether disciplinary action is appropriate as a means to prevent reocurrences.

It should be noted that several colleges of the University have specific obligations in the certification of their graduates which go beyond the recounting of their academic standing. This particularly applies to the professional colleges and the College of Education. In order to satisfy the needs of these colleges, violations of conduct standards appropriate to these colleges, whether occurring on or off campus are brought to their attention by means of hearings before their disciplinary committees. Therefore, interest in a student's conduct is largely dependent upon the specific college in which he is enrolled. As specific examples: (1) The College of Education may insist upon convening a disciplinary committee to hear the case of an alleged homosexual arrested off campus while the College of Arts and Sciences may evidence no interest in an off-campus occurrence of this kind. (2) The College of Law would be vitally interested in hearing the case of a student convicted of shoplifting in a downtown store while the Graduate School may show no interest in convening the disciplinary committee for a case of this type.

Ohio State University

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ACADEMIC DISHONESTY

"....2. Dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the University or other constituted authority."

Brigham Young University

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1. Academic dishonest, including the acquisition of honors, awards, certification or professional endorsements, degrees, academic credits, or grades by means of cheating, plagiarism, or falsification with respect to any examination, paper, project, application, recommendation, transcript, or test, or by any other dishonest means whatsoever, or aiding or abetting another student to do so. Violation of this section is also an academic offense which will normally be handled within the College concerned.

2. Knowingly making any false, inaccurate, or misleading statement, written or oral, to any member of the faculty or staff of the University, or to any office, department, or committee thereof (including the Committee on Student Conduct), or making any such statement or otherwise misrepresenting to anyone, within or without the University community, his status with or the support, sponsorship, or approval of his services or activities by the University, or the status, support, sponsorship, or approval of any other person,group, or organization with or by the University.

3. Willful failure or refusal of any student to obey or comply with any proper order or summons of any authorized University official acting within the scope of his authority, or willful failure or refusal of any student to identify himself by stating his name and showing his student identification card upon request of any dean, faculty member, campus security officer, or other authorized University official acting in the performance of his duties.

4. Forgery, alteration, or misuse of any University record, document, or student identification card.

The University of Iowa

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Students who cheat, plagiarize or are otherwise dishonest are subject to disciplinary action, carried out according to the procedural standards described in Section VI of this statement. Penalties may range from a failing mark on an assignment to suspension or expulsion from College depending upon the nature of the offense.

Lafayette College

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The University cannot (because it has no authority to do so) and should not (because it must be consistent in its critical role) attempt to perform a police function or to determine technical legality or illegality in any case. But the university must maintain standards of conduct and it must make judgments when those standards are violated. One example is cheating on an examination: an act that may not be technically illegal, but an act that is unacceptable in an academic community.

HONOR CODE

The Honor Code is an attempt to describe the bases of academic freedom, intellectual integrity and freedom of inquiry. Violations of the Honor Code have been considered by the faculty to be more serious disruptions of our purposes than violations of the Community Code. The faculty's intuitions are undoubtedly correct because of the obvious necessity for intellectual integrity in an academic community.

It is not easy to live under a code that substitutes a sense of personal responsibility for the presence of a proctor. There are those at Wesleyan and elsewhere who believe the system cannot work and who watch for signs of erosion. There are others -- and I am one of them -- who see the Honor Code as an article of Wesleyan's faith in the capacity of every student to accept responsibility and self-discipline.

The stakes are high for the University and for every student. All must recognize the burden of responsibility placed upon them by their subscription to the Code and realize that any breakdown in responsibility tends to disrupt the community. It is crucial that every student acknowledge his obligation under the Honor Code as being absolutely fundamental to the purposes of the University.

Wesleyan University

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POLICE INTERVENTION

Disorderly demonstrations on campus, if not terminated by University personnel, may lead to the deplorable consequences of police intervention. In the event that such intervention appears unavoidable, these procedures shall be followed:

If students refuse to terminate a demonstration declared unlawful by the Delegate, the President must determine in consultation with the Executive Committee of the Faculty whether the police shall be called. If the President, together with a majority of a panel established by the Executive Committee (which will be available to the President at all times), agree that the demonstration is a violation of these rules, that it poses a serious threat to the orderly functioning of the University, and that it cannot be promptly terminated without police intervention, the police shall be called to terminate the demonstration and the demonstrators shall be warned of that fact. It is recommended that if the police are called after the President consults with the Executive Committee, neither the President nor the members of the Executive Committee shall attempt to negotiate with demonstrators about their demands.

> Comment: The role of the Executive Committee shall be assumed by the proposed faculty-student-administration rulemaking committee as soon as possible after that committee is constituted.

The President has the primary duty of protecting lives and property on the campus. Nothing in this section shall prevent the President from asking for police assistance in order to counter acts of violence, destruction of property, or other violations of law. But if the President is unable to consult with the panel of the Executive Committee, or to obtain its concurrence, the special procedures set forth below shall not apply.

If a demonstration is terminated in accordance with the consultation procedures outlined above, each student arrested by the police in the course of terminating the demonstration shall be notified in writing: (a) that he is charged with a violation of these rules; (b) that his arrest constitutes evidence sufficient to establish a violation of these rules in the absence of contrary evidence; and (c) that he will be suspended from the University in seven days unless, prior to that time, he obtains a ruling from his dean, the disciplinary tribunal of his school, or a panel of the Joint Committee, that he was not a participant in an unlawful demonstration (all such rulings being subject to appeal to the Joint Committee). If a student testifies or presents other evidence denying his participation in an unlawful demonstration, he shall be exonerated unless a clear preponderance of the evidence establishes a violation. If a student is unable to obtain the requisite ruling, his suspension shall go into effect at the stated time, unless the student is not accorded a hearing despite prompt application to both a disciplinary tribunal and the Joint Committee. Suspension from the University under these procedures shall be for one year from the beginning of the semester in which the suspension was initially imposed.

Columbia University

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One point I want to make clear. Although our Campus Security Unit has always maintained friendly contact with police units, and has tried to keep them informed about potential problems involving civil law, the University does not choose whether the police are to be employed on any occasion. When the law is being broken or when violence is threatened, the police are obliged to come in as soon as disorder or law-breaking is perceived. They do not necessarily wait for a call from the University.

Statement by Howard A. Bowen, President
University of Iowa

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"----If the students do not cease and desist their activities or modify them in such manner as to permit the undisputed operation of the agency, the Campus Police and/or the State Highway Patrol will arrest the violators and clear the area."

TRADITIONS WITH RESPECT TO USE OF OUTSIDE POLICE

The traditions of The Ohio State University in this respect are that the University Police Department is relied upon in all instances to take whatever police action is necessary on the campus. In those situations where all remedies available to the Campus Police Department have been exhausted and the situation is still not under control, resort is made to requesting off-campus outside law enforcement assistance. The Ohio State Patrol, a State Highway Police Agency, which has concurrent police jurisdiction on the University campus because it is state property, is the agency requested to provide whatever outside assistance is necessary. Close liaison contacts are maintained with the Ohio State Patrol so they are fully informed of the existence and development of disturbances. As stated earlier, as of this time, there have been no instances in which the State Patrol officers have made arrests on campus.

Circumstances Under Which The Police Would Be Used

Outside police are used as a last resort and only after all available remedies have been fully explored, utilized and exhausted without success.

Conclusions Concerning the Use of Outside Police on Campus in Connection with Disruptive Activities

A University campus, by the very nature of the academic community and enterprise taking place thereon, is normally not adequately equipped with police manpower to effectively control mass disruptive demonstration and protest activity. Because of this natural limitation, Universities must look to off-campus agencies for assistance in controlling these emergency situations. Close and continuing liaison should be maintained with those off-campus law enforcement agencies that might eventually be called on for assistance. Full communication is necessary between the University and the off-campus agencies so that both parties understand the limits of what each is prepared and equipped to do and in order that the off-campus agency will be aware of disruptive activities that may eventually result in a request for their assistance. Because of the fact that off-campus agencies must be looked to for this emergency-type assistance, there is considerable time lapse between the time at which assistance is requested and the time when such assistance can arrive on the campus and take effective action.

Ohio State University

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"....II. If the response to the above statement of policy and the first procedure is negative, then the following steps will be taken:

A. The city police will be called in.

1. Any University person, participating in such a disruptive demonstration or sit-in, will be charged, arrested, and prosecuted at minimum for disturbing the peace.

2. Any person from outside the University who is participating in such a disruptive demonstration or sit-in will be charged, arrested and prosecuted at minimum for trespassing on private property."

St. Louis University

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"----All parties should be on notice that any demonstrations of a violent nature will be dealt with promptly and decisively, with such means as the circumstances may warrant, including local police assistance, if necessary. Offenders will be dealt with firmly. Tolerance and good faith will be expected of all."

Tulane University

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GUEST OF THE OPPOSITE SEX, PRIVILEGED. HOURS, CLOSING HOURS, OVERNIGHT SIGN-OUTS AND "JUST PLAIN SEX"

"...1. Failure to live the high moral standards of The Church of Jesus Christ of Latter-day Saints, including observance of the law of chastity."

Brigham Young University

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"Recommendation IX: Sexual Intercourse on the Campus

Under its present policy the University does not condone sexual intercourse in its residential units. This policy is now enforced under the rubrics of "decorum" or of "gentlemanly behavior." Violation of this policy presently renders students subject to suspension or dismissal.

The Advisory Committee recommends that these vague standards be made more explicit in the following way: The University assumes that its residential units will not be used for sexual intercourse. The principal reason for this policy is concern for the quality of the collective life in its residential units. Abuse of the University's position may result in disciplinary action. However, in specific disciplinary cases that may arise, the University's primary concern should be for the emotional and physical well-being of the individuals.

"Supplementary Explanation:

A university's major concern on a matter such as this must be for the welfare of its students, that they be given an opportunity to develop their own standards and values in an atmosphere of inquiry and discussion. Counselling and the sponsoring of discussions on moral and sexual questions are the best and wisest means to this end. Although the primary emphasis must be on counselling and education, this does not mean that it is inappropriate for Brown University to state an explicit policy as to sexual behavior by students within its residential units. To do otherwise is to leave students with the belief that the University -- which allows extensive visiting in The College's residential rooms and which will allow virtually uncontrolled visiting if our recommendations are adopted -- condones and indeed facilitates sexual permissiveness. Brown University cannot regulate the sexual behavior of its students off campus, but it can insist on the observance of certain rules of behavior on campus consonant with standards that it thinks proper _ _ _

". . . Recommendation XX: Parietal Visiting Hours

We recommend that the general University policy on parietal visiting hours at The College be a policy which maximizes the opportunity for individual residential units to determine their own parietal visiting hours. The only unacceptable or restricted periods of time should be those nighttime hours when people are normally sleeping and those morning hours when people are dressing and preparing for the day ahead. Residential units largely populated by freshmen, who are at first unfamiliar with parietal regulations, should initially be treated somewhat differently. We recommend that, with regard to essentially freshmen houses, the Cammarian Club prescribe parietal hours for these units until such times as the first-semester freshmen have organized their houses.

"Supplementary Explanation:

This recommendation is intended to implement our view that students should have as much discretion as possible in the arrangement of their social lives. In our view, the opportunity for a residential house to enjoy parietal visiting hours should be the general rule; the restricted periods on visiting hours should be the exception. For example, weekday visiting hours would not be appropriate between say, midnight and eleven the following morning, but beyond that restriction residential units should be free to set their own visiting hours.

"Recommendation XXI: Parietal Visiting Hours: Procedural Regulations

We recommend that any procedural regulations to be in operation during parietal visiting hours at The College, such as the signing-in of guests, be settled by the individual residential units when they establish their visiting hours.

"Recommendation XXII: Off-Campus Apartments for Seniors

We recommend that all Brown seniors who desire to live off-campus be permitted to do so. ......

(continued)

PEMBROKE COLLEGE

"Recommendation XXIV: Parietal Visiting Hours

We recommend that parietal hours for residential units at Pembroke College be established by the Student Government Association subject to the same general considerations and restrictions outlined in Recommendation XX relating to parietal hours at The College. The SGA may wish to delegate this responsibility to the individual houses. We further recommend that an effective sign-in procedure for male guests be established by the SGA in order to maintain safety within the residential houses.

"Recommendation XXV: Curfews

We recommend that a revised graduated curfew system be established. Its major features should be a set of definite curfews for freshmen, relaxed curfews for sophomores, and no curfews for juniors and seniors. We further recommend that the proposed University Council on Student Affairs be mandated to review the system of no curfews for juniors and seniors at the completion of its first year of operation, and that it make a recommendation to the President of the University at that time. The Council's recommendation should indicate whether the no-curfew system should be continued, suspended, or modified. A final decision on the Council's recommendation would rest with the President.

"Supplementary Explanation:

We are persuaded that, as their representatives have urged, an overwhelming majority of Pembroke juniors and seniors are sufficiently mature to handle a no-curfew system. As a consequence, we believe that they should have an unrestricted opportunity to demonstrate their maturity on an experimental basis. At the conclusion of a one-year trial period, the proposed University Council on Student Affairs and the President of the University will be in a position to review this assumption of maturity and to examine whether or not the no-curfew system has led to unusual academic or social difficulties among a substantial number of juniors and seniors.

This recommendation in favor of a junior-senior no-curfew system is based on our conclusion that a meaningful distinction, though somewhat arbitrary in individual cases, can be drawn between underclass (freshmen and sophomores) and upperclass Pembrokers. Not only are most upperclass Pembrokers in the twenty to twenty-one age bracket, but they will have had the beneficial experience of adjusting to life away from home and of increasingly managing their social lives within a diminishing structure of moderate curfew restrictions. Freshmen, most of whom are away from the protective safety of their homes for the first time, should have the mild protection of a curfew system, while sophomores, many of whom experience adjustment problems in their second year, should have the even milder protection of a more liberalized curfew scheme that will end with the close of the sophomore year. On this latter point we agree with the Pembrokers' representatives whom we heard and with the Social System Committee of the Student Government Association which provided an intelligent rationale in favor of a system of freshmen-sophomore curfews.

"There are those, of course, who argue against the desirability of any curfew system, save for curfews for first-semester students. In part, this argument is apparently premised on an assumption that adolescence does not exist, or at least that college freshmen and sophomores (whose average age is between eighteen and nineteen) are not adolescents. As stated in our preliminary statement (see pp. 9-10), we believe that there is such a developmental stage as adolescence and that graduating high school seniors do not receive certificates of instant maturity along with their diplomas. In part, too, the argument against even freshmen and sophomore curfews for women is based on a comparison with college men who are typically, as at Brown, free of curfew regulations. We regard the suggested analogy to be false. As Justice Oliver Wendell Holmes, Jr., once said in a memorable dissent from a decision of the United States Supreme Court, "It will need more than the Nineteenth Amendment to convince me that there are no differences between men and women, or that legislation cannot take these differences into account." We affirm, and not sadly either, the fact of differences between men and women. More seriously, it is women, not men, who are sexually assaulted or who suffer the most tragic consequences of premarital pregnancies. A moderate curfew system for underclass women living away from home in an urban area may provide some protection against these dangers. No less valid as a consideration under these circumstances is the fact that parental expectations appear to favor strongly a moderate curfew system for their daughters during their first two years in college.

"Recommendation XXVI: Sign-Out Procedures

We recommend that sign-out procedures be established by the Student Government Association; the revised procedures should be drafted with due regard for the privacy of the students' social life. We further recommend that there be no prohibitions attached to sign-out destinations.

"Supplementary Explanation:

The objective behind sign-out procedures should be to provide a convenient mechanism for assuring, as much as possible, the personal safety of young ladies when they are outside of their residential houses during the late evening hours. We have concluded that this objective -- personal safety -- is most likely to be attained if there are no prohibitions as to sign-out destinations.

"Recommendation XXVII: Off-Campus Apartments

We recommend that all Pembroke seniors, with parental permission, be permitted to live off campus if they desire to do so."

Advisory Committee on Student Conduct
Brown University

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"Women Guests

1. Women shall not enter the Houses, dormitories, or clubhouses without special permission. In the Houses permission will be granted in accordance with the procedure established by the Masters. For other buildings permission must be obtained from the Proctor or the Dean and will be granted only when chaperones are present.

2. Permission to entertain women guests will ordinarily be given only between the following hours:

a. In the Houses,
Monday-Friday: 2 p.m. to midnight
Saturday: 11 a.m. to 1 a.m.
Sunday: 11 a.m. to midnight

b. In the Freshman dormitories,
Monday-Thursday: 2 p.m. to 7 p.m.
Friday and Saturday: 12-noon to midnight
Sunday: 12-noon to 8 p.m.

Resident students in each House may vote to establish more precisely the hours for visitation within this framework.

3. Women shall not enter Houses, dormitories, or clubhouses unless they are properly escorted."

Harvard College

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"Closing Hours for Women's Residences. Closing hours shall be defined as the LATEST hour for a student's return to her housing unit. The regular closing hours are in effect whenever the dormitories are open for residency. This includes summer session, examination, registration, and vacation periods. All undergraduate women other than those included in the Privileged Hours Program have 12:00 midnight closing hours Sunday through Thursday, and 1:00 a.m. closing hours Friday and Saturday nights throughout the academic year with the following exceptions:

1. 2:00 a.m. closing hours on Friday and Saturday. Homecoming Weekend.
2. 1:00 a.m. closing hours the night before classes are suspended prior to University vacation periods (Thanksgiving and the night before Mercy Day continuing through the week of examinations).

Privileged Hours. Women who are sophomores, juniors or seniors or over twenty-one may request permission to participate in the Privileged Hours Program at a required orientation meeting. For sophomores permission of parents is required for their daughter's participation. Freshman women are subject to 12:00 midnight and 1:00 a.m. closing hours with no exceptions for the first semester. Second semester freshman women have 12:00 midnight closing hours Sunday through Thursday and may request unlimited hours Friday and Saturday with *parental permission*.

Overnight Sign-Outs. Undergraduate women students may sign out to be away from their place of residence on Friday and Saturday nights in accordance with AWS regulations. Overnight absence without proper sign-out is a violation of University regulations and may be cause for disciplinary action, including suspension from the University.

Open Houses. An open house is a registered social function during which rooms in an approved housing unit are open to the public; an open house is generally held in conjunction with a University or residence event. Open houses held by residence halls, fraternities, or sororities are to be registered with the Office of Student Affairs by the sponsoring residence unit at least one day in advance in accordance with the same procedure as mixed social functions. Off-campus housing units other than fraternities and sororities must obtain the prior written approval of the landlord who shall notify the Office of Student Activities. Open houses may be held during the following hours:

Monday-Thursday	4:30 p.m.-8:00 p.m.
Friday	3:00 p.m.-12:30 a.m.
Saturday	10:00 a.m.-12:30 a.m.
Sunday	10:00 a.m.-11:30 p.m.

Visitations. A visitation is a registered social function during which the residents of an approved housing unit may invite guests, including guests of the opposite sex, into their own rooms. Visitations are to be registered with the Office of Student Affairs or its representative by the sponsoring residence unit at least one day in advance. Off-campus housing units other than fraternities and sororities must obtain the prior written approval of the landlord who shall notify the Office of Student Activities.

The visitation procedure for University residence halls, fraternities, and sororities is as follows:

a. Residence hall registration is to be by the smallest unit of government (house, floor, unit); fraternity and sorority registration by chapter.

b. Residence hall units are to register with their respective head residents, who will act on behalf of the Office of Student Affairs; fraternities and sororities are to register with the Office of Student Activities.

c. Each visitation must be approved separately by majority vote of the individual residents of the sponsoring unit or members of the chapter, and in the case of residence halls by the residence hall association government also.

d. The frequency of visitations is to be established independently by each individual unit or chapter.

e. At least one house officer will be on duty in the residence hall unit or chapter house at all times during a visitation and shall be responsible for adequately supervising the visitation.

f. A residence hall staff member or the fraternity or sorority housemother is also to be present in the residence hall or chapter house at all times during a visitation.

g. All guests must be registered with the register including the name and room number of the accompanying host(ess).

h. When entertaining a guest of the opposite sex in his room, each resident is to keep his corridor door ajar.

i. Visitations may be held during the following hours.

Monday-Thursday	4:30p.m.-8:00 p.m.
Friday	3:00 p.m.-12:30a.m.
Saturday	10:00 a.m.-12:30a.m.
Sunday	10:00 a.m.-11:30p.m.

Guests. Entertainment of guests of the opposite sex in approved housing is to be confined to the public areas except during registered open houses and visitations. For policies and procedures regarding open houses and visitations, see Social Regulations, Sections 3 and 4. Guest closing hours for all approved student residences are as follows:

Sunday through Thursday	11:45 p.m.
Friday and Saturday	12:45 a.m."

University of Iowa

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"It is anticipated that we will continue our policy of allowing students to make their own rules with respect to such areas of 'primary' student interest as dormitory hours, room visitations, liquor, etc."

Ohio State University

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PARIETAL HOURS

For some years, the University has stated the hours when students may entertain women in their residences. In recent years, the hours have been extended gradually to the present framework: 10:00 A.M. until midnight Sunday through Thursday; 10:00 A.M. until 2:00 A.M. Friday-Saturday and Saturday-Sunday.

Current thinking includes obvious factors: that Wesleyan is an all-male residential community; that dormitories and other residences are also places for study; that a student's room, as his place of privacy, is a living room until he retires; and that some uniformity of system is appropriate and necessary in the interests of students, their guests and the purposes of the University.

At Wesleyan, concern for individuality and respect for student privacy make attempts to impose a common morality on students out of the question. Students are responsible for their own destinies and have the right to choose their own standards. But the University, in terms of its over-all posture within society and its general relations with students, has an obligation to uphold and promote systems of values. Wherever possible, this should occur by common consent.

Most college students would properly deny the right of a university to dictate to the individual's conscience or to restrict behavior unreasonably. But most students would concede that steps to reduce the likelihood that unreasonable individuals will offend the taste or intrude on the privacy of others are appropriate.

No discussion of this question will proceed usefully if most students are convinced that Wesleyan is telling the individual how he must behave. A useful discussion can occur if students will recognize that they share a responsibility to help the community develop and uphold standards in keeping with its place in society, its purposes as an academic institution and its purposeful non-interference in matters that are in fact private. This includes a recognition of the fact that society generally disapproves of premarital intercourse and that the University does not choose to sponsor the presumption that unmarried men and women are spending the night together on its premises.

It appears to me that few students have ever reflected that their behavior with dates might conflict with the right of others to privacy -- the right to abstain, in short, from witnessing such conduct. If students approach the parietal hours question as if their purpose were to make their private relationships public, they will be asking Wesleyan to join them in a display that would in itself be an intrusion on the privacy of others. If students seek to develop a system that will command general respect and support, progress can be expected.

The present parietal hours system is clearly inconsistent with the ideal of a university to function, as a community, on the basis of affirmative commitments rather than negatively stated regulations. It does not operate as effectively as it should because it does not rest on common consent. The system is also unrealistic to the extent that many students think it is at odds with their self-interest.

Thoughtful people do not solve a problem of this sort simply by removing or liberalizing rules and hoping that events will show their action to have been both wise and prudent. The solution must be a realistic one, involving both procedural and substantive considerations, and it must be consistent with educational goals. In addition, the solution must be part of an approach to community life based on shared responsibility as well as individual freedom.

The College Body Committee has conducted research and has reiterated its view that the parietal hours system should place the highest possible premium on private initiative and responsibility in social matters. It has also outlined for University officials a system which might permit residential units to determine and enforce their own hours for social visits, exit times, etc., consistent with the community's standards and policies. But the College Body Committee has also concluded that any new approach must relate to the broader context of structure and responsibility as suggested in this report.

There is no simple solution to a problem that requires the balancing of so many contending interests and rights. But it is my hope that an approach more in keeping with both educational purpose and realism can be developed as an integral part of the program now under way. It is my view that the need for a resolution of this problem is, in itself, a reason for all students to support the program.

Wesleyan University

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[Note:- The following is from "Proposed Codes with Commentary:- Student Conduct and Discipline Proceedings in a University Setting", published August, 1968 by the New York University School of Law. It is the product of a "Research Seminar on Student Conduct" composed of sixteen students and four faculty members.]

"a. Matters of Private Morality. The university should not regard itself as the arbiter or the enforcer of the morals of its students. Accordingly, it should not inquire into the activities of its students away from the campus where their behavior is subject to regulation and control by the public authorities. Social morality on campus not in violation of law should be of no concern to the university.

Commentary. The privacy right cuts two ways. While the right of the nonconformist should be protected under the privacy umbrella, other individuals who define their privacy in terms of freedom from undue residence hall disturbance, for example, also deserve protection. The principal point is that actions in private that do not violate the law and do not intrude on the rights of others should be guaranteed against official intrusion."

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NON-DISCRIMINATION
(and Fair Housing)

".... This brings us now to what many students consider one of the greatest questions of American campuses and society. We are especially asked (or charged): Does DePauw approve of discrimination? Certainly it does not! So far as I am aware (and if you should know something I don't know, I hope you will tell me), the place where discrimination is a most explicit problem is in fraternities and sororities. As some of you know, I myself have worked on this possibly more than any other matter during my years at DePauw. So far DePauw has achieved the elimination of all discriminatory clauses except one, and a major official of that particular fraternity assured me just a day or so ago, when I saw him, that this would be eliminated at their national convention this summer. In the last two or three years we have made some progress and there has been considerable encouragement, but it is tragic that this imperfection should persist at all.

For the past few months I have been meeting with successive groups of six or eight fraternity, sorority, Panhellenic, and KTK leaders, perhaps five or six such groups for an hour or two of conversation about this problem. It is my personal hope that some arrangement might be devised by which any person seeking fraternal fellowship could, in fact, have that opportunity."

Statement by William E. Kerstetter, President
DePauw University

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".... 6. University Policy on Fair Housing Practices. It is the policy of the University that lessors, approved or certified, shall rent to all students on the basis of their individual merits as persons without exclusion or discrimination on the basis of race, creed, color or national origin. A signed non-discrimination pledge is required of all approved or certified lessors. Any complaint of discrimination in housing should be submitted to the chairman of the University Committee on Human Rights within sixty days of the alleged act of discrimination. The name of the current chairman of the Committee may be obtained from the Office of Student Affairs, 111 University Hall. The State of Iowa and the City of Iowa City also have fair housing codes which may be applicable."

University of Iowa

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" Admission to Lafayette College is competitive. Admission policies are established by the faculty upon recommendation of the Committee on Admissions. Admission is offered to those applicants who are judged best able to benefit from a Lafayette education on the basis of high school record, examination scores, evidence of good character, leadership potential and other personal qualities. There is no discrimination on the basis of religion or race. By matriculating at Lafayette, the student signifies his willingness to contribute to the learning of others, to promote the welfare of the College, and to adhere to the regulations established by the College. The facilities and services of the College are available to all Lafayette students.

.... No campus organization, including fraternities, may discriminate on the basis of race, creed or national origin. Religious qualifications, however, may be required by organizations whose aims are primarily sectarian."

Lafayette College

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"The Board of Trustees RESOLVES:

1. The Board concurs in the administration's sincere effort to understand the problems of the black student group and to seek a satisfactory program for resolving them. The Board therefore authorizes the administration to proceed with the terms of the agreement of May 4 subject to review from time to time by the Board of Trustees. The Board is satisfied that the administration properly rejected all demands that the University surrender administrative authority or faculty prerogative, and that under the terms of the agreement, students will be consulted in an advisory capacity only.

The provisions of the agreement with respect to separate housing of black students have been the subject of considerable adverse comment. While as a matter of policy the Board favors integration of University housing units and is opposed to "separatism" or "segregation," we feel that the black students, whether right or wrong in their judgment, were nevertheless sincere in their belief that separate housing, on the basis of individual choice, was desirable in view of the special problems confronting them. On this basis, we approve of the administration's response to their request.

2. The preamble of the agreement of May 4, insofar as it is interpreted to impute to the University hostile and antagonistic "racism," is wholly unacceptable to the Board. In fact, the Board decries racism in any form. It is proud that Northwestern University is in the forefront of those educational institutions which offer educational opportunity for all qualified applicants, without discrimination on the basis of race, creed or color."

(End of Trustees' Statement)

"Here is a summary of the demands and the University's final response to them. Of the eight major demands made, four were granted, one was partially granted, and three were denied.

. On the demand for a policy statement on the matter of "racism," the University said that although members of the administration, faculty, and student body had worked to right racial wrongs, "the fact remains that the University, in its overwhelming character, has been a white institution." -- The statement said the University could not be "complacent with institutional arrangements that ignore the special problems of black students." The University accepted the basic "sentiments expressed in the black students' demands" and proposed that a special Northwestern University Advisory Council be set up as "an instrument of University administration to function at all administrative levels as the administration deals with problems of the black community related to the University."

. The administration declined to set up any percentage target or quota for Negro students, pointing out that competition from other institutions for qualified Negro students and the absence of unlimited funds for scholarships makes such a projection impossible. The agreement noted that the University has been committed to increase the number of Negro students at Northwestern as rapidly as possible and to seek at least 50 percent from inner city schools. While welcoming advice and counsel on the admission of black students, the administration said "it cannot permit students to make individual admission selections, this being an administrative responsibility of the Office of Admission."

. On the matter of expanding studies of black history and culture, the University pointed out that determination of curriculum must be initiated through the faculty of each department, and that initial recommendation of faculty members is also a faculty prerogative. Students can recommend but cannot share in the final decisions. The University stated that suggestions by students in both areas would be welcomed by the faculty.

. The agreement specified that a committee is to be selected by the Negro community on campus to advise the University's Committee on Financial Aid to Students on policy matters regarding financial aid to black students.

. On the demand for special living units, the University said that by the Fall Quarter of 1968 it will reserve sections of existing living units for Negro students who wish to live together. The University also said it continues to believe that a mixture of student types should be housed in living quarters, but that it was modifying that stand for two reasons: (a) the distinctiveness of existing racial concerns, (b) the admitted inconsistency between the ideal of non-discrimination in housing, and the selectivity exercised by some living units of the University.

. The demand that the black community approve the appointment of a counselor for black students was denied. The University reaffirmed its confidence in the Negro counselor who had been hired April 15, 1968, with joint responsibilities in the Admission Office and the Office of the Dean of Students, and indicated that it would as a matter of general practice consult with students on the appointment of counselors.

. The University agreed to provide a room on campus by September, 1968 to meet the needs of Negro students for social activities. This is not unprecedented at Northwestern. Many social and religious groups have separate facilities.

. On the demand that Northwestern desegregate all of its real estate holdings, the University reiterated its concern for open occupancy and noted that in housing under University ownership -- the N.U. Apartments, Dryden Hall, and faculty housing -- there is no segregation whatsoever. The University said it is committed to working for just living space and conditions for all black people. It said it would be prepared to implement the recommendations of the Committee on Housing Discrimination when that group reports early in June.

Essentially, the agreement adopted was the University reply of the day before. There was no "complete capitulation" to the black students. The final agreement gave formal recognition to the serious problems of one group of Northwestern students and made a commitment to solve those problems, through structured continuing communication and consultation. The administration did not, it is repeated, yield any administrative authority or faculty prerogatives, nor did the black students press for them once they understood the University's position."

Northwestern University

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PERSONAL ATTIRE

PROPER DRESS FOR BYU STUDENTS

As I am sure you parents know, BYU is not a place where extremes in fashion or unkempt appearance are appropriate. While we respect a student's right, within certain limits, to dress as his taste and inclination direct him, we insist that he be clean, well-groomed, and decently attired.

We recognize that students come to our campus from diverse backgrounds and from areas of this and other lands where dress standards are markedly different, and we are aware that what may be common in one section will appear extreme on this campus. We therefore expect the young men and women who matriculate at this University to be sensitive to the standards of modesty which are a tradition at BYU.

That tradition stems not from worldly fashion designers but from our Church emphasis upon the sacredness of the body. During the coming year, we will probably see a holy temple begin to take shape almost on the edge of our campus. We trust that many of the young people who attend BYU will be married in that temple. As they may need to grow spiritually to be worthy of admission to the House of the Lord, we want the atmosphere in which they attain their education to be conducive to high moral development.

Some of the extreme clothes worn today are not conducive to such moral development nor to the self-control which we expect to precede self-expression in all areas of personal attire and grooming.

"A let-down in personal appearance," says Sterling Sill, "has far more than physical significance, for when ugliness gets its roots into one part of our lives it may soon spread to every other part."

We urge each mother to see that her daughter's wardrobe is appropriate for one who contemplates a temple marriage. If you are in doubt as to a proper skirt length, have her kneel in an erect position. If her dress touches -- or nearly touches -- the floor, it will meet BYU standards.

We ask fathers to help their sons assume both the responsibilities and appearance which their role as priesthood holders demands. While there can be no objection to a properly trimmed mustache -- and there is surely nothing morally wrong with wearing a beard -- we would prefer our young men to be clean-shaven and to keep their hair cut. We are living in an age when shaving is so convenient that there is no need to imitate our grandfather's facial foliage.

This year we are asking our Church leaders on campus to help those members of their wards who feel that they must ape the fads of the world to become what the late Apostle Melvin J. Ballard called "ladies and gentlemen in the Kingdom of God." Anything less than this mocks the standards which the Lord has given His children.

Brigham Young University

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STUDENT ORGANIZATIONS --

ELIGIBILITY FOR RECOGNITION AND RECOGNITION PROCEDURE

Recognition of Student Organizations

1. Eligibility. Any group or organization which consists primarily of University students and whose purposes are consistent with the educational objectives of the University is eligible for recognition by the University. Recognized student organizations must comply with all regulations contained in the Code of Student Life and in the Student Organizations Handbook, and are entitled to certain privileges such as the use of University facilities and services as hereinafter provided. Recognition of a student organization by the University does not constitute an endorsement of its program or purposes, but is merely a charter to exist.

4. Recognition Procedure. Recognition of student organizations which are residential living units (residence halls, fraternities and sororities) is granted by their respective governing bodies (Associated Residence Halls, Interfraternity Council, and Panhellenic Council) with the concurrence of the Committee on Student Life. Recognition of all other student organizations is granted under the auspices of the Student Senate of the Iowa Student Association: (a) Charters are issued by the Student Senate to student organizations which are eligible for permanent recognition; (b) Provisional recognition not to exceed 12 months may be granted by the Office of Student Affairs with the concurrence of the Student Senate Committee on Student Organizations to ad hoc organizations which are eligible for temporary recognition. Application forms for recognition are available in the Office of Student Activities and must be signed by the president or chairman of the organization.

5. Registration. On or before October 1 of each year, every recognized student organization must submit a registration statement to the Office of Student Affairs setting forth completely and accurately all of the information requested on the registration form. Such forms are available in the Office of Student Activities and must be signed by an authorized member of the organization. Thereafter, during the year, recognized student organizations shall, within a reasonable time, report to the Office of Student Affairs any amendments to or changes in their constitutions, bylaws, officers, advisers, or programs. Recognized student organizations shall also submit any additional information or data requested from time to time by the Office of Student Affairs or the Committee on Student Life.

University of Iowa

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STUDENT ORGANIZATIONS --

MEMBERSHIP POLICY

".... 2. Membership Policy. It is the policy of the University that all recognized student organizations be able to exercise free choice of members on the basis of their merits as individuals without restriction as to race, color, or national origin. Any student organization whose choice of members is subject to approval by national or other non-University organizations, or which is required by a non-University organization to procure a recommendation from an alumnus or any other person not currently an active member of the local organization prior to admitting a person to membership, is ineligible for recognition by the University."

University of Iowa

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[Note:- The following is from "Proposed Codes with Commentary:- Student Conduct and Discipline Proceedings in a University Setting", published August, 1968 by the New York University School of Law. It is the product of a "Research Seminar on Student Conduct" composed of sixteen students and four faculty members.]

Freedom of Association. Organizations may be established within the University for any legal purpose whether the aims are religious, political, educational, economic, or social. Affiliation with an extramural organization shall not disqualify the university-based branch or chapter from University privileges. Membership in all University-related organizations shall be open to any member of the University community who is willing to subscribe to the stated aims of the organization and to meet its stated obligations.

University interest in the existence and objectives of organizations within the University community is limited to the following matters.

a. Associational Identification. The university may not require membership lists of any organization; but it may require, as a condition of access to University funds, the names and addresses of officers.

Commentary. Ordinarily an organization will wish to maintain a current list of members so that determination of questions of policy can be limited to those who meet the conditions of eligibility to vote. But the university has no indentifiable interest in membership lists.

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STUDENT ORGANIZATIONS -- OFFICERS & ADVISERS

".... 3. Officers. Only registered University students or members of the faculty or administrative staff may hold office in a recognized student organization.

Advisers. Student organizations are encouraged to have advisers who are members of the University faculty or administrative staff; any recognized student organization which is financed, in whole or in part, by an allocation from student activity fees or through assessments collected by the University is required to have such an adviser."

University of Iowa

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[Note:- The following is from "Proposed Codes with Commentary:- Student Conduct and Discipline Proceedings in a University Setting", published August, 1968 by the New York University School of Law. It is the product of a "Research Seminar on Student Conduct" composed of sixteen students and four faculty members.]

Similarly, an organization may find it advantageous to have a faculty adviser. But the university need not concern itself with that decision unless a faculty representative is essential in connection with the allocation of funds, as discussed in the commentary to paragraph c below.

Commentary. If student organizations are to have a significant function, there must be some assured means of securing funds for the attainment of organizational objectives and freedom of student choice among alternative routes to those ends. Accordingly, student organizations should not be required to have faculty advisers with power of veto over budgets and individual expenditures. But there should be no objection to a requirement that each student organization that seeks access to university funds choose one member of the faculty to act as consultant on university relations, including matters of budget and expenditures.

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STUDENT ORGANIZATIONS --

ANNUAL REPORT

"....6. Annual Report. Before the close of each academic year, every recognized student organization must submit an annual report to the Office of Student Affairs. Such annual report shall consist of a clear and concise statement summarizing the activities and programs of the organization during the year and must be signed by the president or secretary of the organization. Failure to file a timely annual report is cause for revocation of recognition."

University of Iowa

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STUDENT ORGANIZATIONS --

REVOCATION AND APPEALS

"....7. Revocation. Recognition may be revoked by the recognizing agency (Student Senate, Associated Residence Halls, Interfraternity Council, Panhellenic Council) for good cause. The procedure followed must guarantee the student organization reasonable notice and opportunity to be heard prior to any action on the proposed revocation.

8. Appeals. Student organizations may appeal any adverse decision of a recognizing agency to the President of the University or his designed representative."

University of Iowa

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STUDENT ORGANIZATIONS --

FINANCING

"....10. Finances. Any recognized student organization financed in whole or in part by an allocation from student activity fees or through assessments collected by the University is required to utilize the services of and transact all business through the Auditor of Student Organizations. Any other recognized student organization may elect to utilize the services of the Auditor of Student Organizations on a voluntary basis. There is no charge for this service. All organizations electing to utilize the facilities of the Auditor must deposit all organizational funds and income with the Auditor and shall not deposit funds or maintain an account in any other place. For further information, consult the Student Organizations Handbook. "

University of Iowa

Budgetary Control Over Student Organizations

Every University recognized student organization is required to have its books audited periodically by the Auditor of Student Organizations. All major fund-raising activities are cleared through the office of Auditor of Student Organizations. Each of the major government organizations has as its adviser a member of the professional staff of the Area of Student Relations. Checks are co-signed by the adviser.

Although the faculty advisers of other student organizations have a moral responsibility to assure the fiscal stability of the organizations they advise, stricter control may be exercised in emergency situations. As the result of persistent deficits, unpaid bills, and bankruptcies of campus political organizations, the Council on Student Affairs recently enacted a resolution to require all campus political parties to operate strictly upon a cash-in-advance basis.

Ohio State University

[Note:- The following is from "Proposed Codes with Commentary:- Student Conduct and Discipline Proceedings in a University Setting", published August, 1968 by the New York University School of Law. It is the product of a "Research Seminar on Student Conduct" composed of sixteen students and four faculty members.]

"..... c. Allocation of Funds. The authority to allocate university funds budgeted for use by recognized student organizations (including money derived in whole or in part from university fees) should be delegated to a body in which student participation in the decisional process is assured. Approval of requests for funds may be conditioned upon submission of budgets to, and approval by, the body authorized to allocate funds.

Where funds are allocated to a student organization, financial accountability may be required, including statement of income and expenses on a regular basis. Apart from the responsibility to account for expenditures in relation to the approved budget, student organizations should have independent control over the expenditure of funds allocated.

Commentary. If student organizations are to have a significant function, there must be some assured means of securing funds for the attainment of organizational objectives and freedom of student choice among alternative routes to those ends. Accordingly, student organizations should not be required to have faculty advisers with power of veto over budgets and individual expenditures. But there should be no objection to a requirement that each student organization that seeks access to university funds choose one member of the faculty to act as consultant on university relations, including matters of budget and expenditures."

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STUDENT ORGANIZATIONS -- FUND RAISING, CHARGE OF ADMISSION

Fund Raising. Recognized student organizations may engage in fund-raising activities, provided such activities are registered with the Office of Student Affairs at least one week in advance. Registration forms are available in the Office of Student Activities and must be signed by the president of the sponsoring student organization.

Registration of Programs to which Admission is Charged. Recognized student organizations may sponsor entertainment or lecture programs to which a general admission fee is charged, provided such programs are registered with the Office of Student Affairs at least one week in advance. Registration forms are available in the Office of Student Activities and must be signed by the president of the sponsoring student organization. No contracts or other financial commitments should be made by the sponsoring organization until registration has been completed. Organizations utilizing the services of the Auditor of Student Organizations must make all financial arrangements through the Auditor's office. The sponsoring organization must have a balance on hand in its treasury sufficient to cover the cost of the program, including facility rental, speaker's fee, advertising, and any other expense, or adequate funds must actually be deposited with the organization by an underwriter, which funds cannot be repaid until all costs and expenses incurred by the organization in presenting the program have been fully satisfied. No advertising or publicizing of any commercial product or trade name shall be permitted. In scheduling programs, sponsoring organizations must observe the calendaring regulations established by the Student Activities Board.

Solicitation on Campus. For the purposes of this chapter, the term "solicitation" means the seeking of funds or other support, such as signatures, food, or supplies, by a recognized student organization from persons outside its membership. Thus, solicitation could include, for example, such activities as the sale of goods or services, the distribution of literature, materials, or products, or the sponsoring of rallies, parades, or similar events. Recognized student organizations may solicit at reasonable times and places on the campus and under reasonable conditions imposed by University officials charged with control of areas involved, provided such solicitations are not inconsistent with the stated purposes of the sponsoring organization or with the educational purposes of the University, and provided such solicitations are registered with the Office of Student Affairs at least one week in advance. Registration forms are available in the Office of Student Activities and must be signed by an authorized member of the sponsoring student organization. General solicitation of students is ordinarily conducted in the Iowa Memorial Union and is normally restricted to the Gold Feather Lobby. Requests for reservations in the Gold Feather Lobby are to be submitted to the Office of Student Activities at least one week in advance. As nearly as space permits, each recognized student organization shall be entitled to one reservation (up to five consecutive days) per month. In addition to this reservation, unreserved space will be allocated to organizations by request on a daily first-come first-served basis. Special requests for space elsewhere in the Union or on campus may be granted due to unusual circumstances. The Office of Space Assignment and Utilization may also designate certain locations on the outdoor campus which may be used for solicitation subject to any reasonable conditions imposed. The organization conducting a solicitation must be identified at every location by means of a sign or an announcement.

University of Iowa

STUDENT ORGANIZATIONS --
SPONSORSHIP OF ACTIVITIES AND PROGRAMS

"....7. Sponsorship. Sponsorship is determined by an organization's participation, alone or with others, in planning, publicizing, and financing, rather than by the number of members attending or participating in an event. An event is considered to be sponsored by an organization if it is planned, announced, discussed, or financed by the organization, such as when organization members are notified in a regular or special meeting or by a special announcement or posting, or when the financial responsibility is met by the organization."

University of Iowa

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STUDENT ORGANIZATIONS -- USE OF AND CHARGES FOR UNIVERSITY PROPERTY AND FACILITIES

1. Use of University Space and Facilities. Recognized student organizations may use University space and facilities subject to the requirements of the regular University program. Request for reservations for the use of University rooms, auditoriums, and other facilities shall be submitted at least one week in advance to the Office of Space Assignment and Utilization, 102 University Hall. Exceptions: Requests for the use of Iowa Memorial Union facilities are to be submitted to the IMU Scheduling Office, located on the main floor of the Union, and request for the Field House of the Armory are to be submitted to the Offices of the Director of Athletics and of the Commandant of the ROTC, respectively.

2. Charges for Use of Space and Facilities. Recognized student organizations will be permitted to use available University space and facilities without charge except to defray any extra costs or expenses incurred by the University in making the facility available; provided that if the student organization charges admission or otherwise solicits funds from the public, the normal rental fee for the facilities will be charged.

University of Iowa

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Students are free to organize and join associations to promote their common interests and student organizations may be accorded use of College facilities and resources when available so long as such interests and use are compatible with the purposes and function of the College. Extracurricular organizations are subject to faculty approval upon recommendation of the Student Council and the Student Affairs Committee. Student organizations must have constitutions, faculty advisers chosen by themselves, and must adhere to their stated purposes. If student organizations are affiliated with organizations outside Lafayette College, the relationship must not interfere with the objectives and activities of the College.

Lafayette College

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"ACCESS TO UNIVERSITY FACILITIES (Responsive to 1 j and 1 v)

According to Faculty Rule 61.05 (University Facilities) "University facilities may be scheduled and used only if the meeting is sponsored by at least one of the following: (a) the University, (b) an administrative unit of the University, (c) the President or a member of his Cabinet, (d) a member of the University Faculty, (e) a club or committee of University faculty members, University staff members, or their wives, or (f) a recognized student organization ... The Executive Dean for Admissions and Registrations shall be responsible for the scheduling of and shall have the necessary authority to schedule all University facilities ... No meeting shall be scheduled or announced for any University facility unless permission to use the facility has been obtained in advance from the Executive Dean for Admissions and Registrations. All requests for the use of University facilities shall indicate the nature of the proposed meeting. If the proposed meeting is one to which a guest speaker is to be invited, the request for the use of University facilities shall indicate the name of the guest speaker and shall be submitted to the Executive Dean for Admissions and Registrations at least two weeks prior to the date the meeting is to be held, but such two-week period may be waived by the Executive Dean for Admissions and Registrations if the exigencies of the situation so require and the orderly scheduling of University facilities would not be unduly prejudiced ... The word 'meeting' ... means any meeting using University facilities to which the faculty, staff, students, or public is invited, except (a) regularly scheduled University courses, (b) conferences approved under University procedures, and (c) meetings of state, regional, national, or international organizations approved under University procedures ... The responsibility and authority of the Executive Dean for Admissions and Registrations under this rule may be delegated by him to a member of the University faculty or the staff of his University."

Specific Procedures for Student Organizations

To clarify the above rule as it applies to student organizations, Faculty Rule 53.09 (Student Use of University Buildings) was adopted. It states that "University facilities assigned to student organization shall be used only for the usual activities of such student organization. If a student organization desires to use University facilities, which facilities have been assigned to the organization, for purposes other than its usual activities, it shall request permission for such use from the Executive Dean for Admissions and Registrations in accordance with Rule 61.05 ... No student, group of students, or student organization may announce a meeting involving the use of University facilities or use University facilities for a meeting, unless permission for such use has been obtained from the Executive Dean for Admissions and Registrations in accordance with Rule 61.05."

Two other faculty rules which supplement the basic rule regulating the use of facilities, limit canvassing or solicitations for funds on the University campus or in University buildings and prohibit any unauthorized duplication of keys to buildings or rooms of the University.

Operation

In order to assist recognized student organizations in their scheduling of University facilities, the Executive Dean for Admissions and Registrations has delegated to the Executive Dean for Student Relations the responsibility of scheduling the meetings of all student organizations. This function is actually performed by an Assistant Dean, Student Relations in the Program and Activities Office located physically in the same building as the offices of the major student organizations."

Ohio State University

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[Note:- The following is from "Proposed Codes with Commentary:- Student Conduct and Discipline Proceedings in a University Setting", published August, 1968 by the New York University School of Law. It is the product of a "Research Seminar on Student Conduct" composed of sixteen students and four faculty members.]

".... b. Use of Facilities. University facilities shall be assigned to student organizations for regular business meetings, social functions, and for programs open to the public. Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of the space assigned, time of use, and to insure proper maintenance of the facilities. Subject to the same limitations, university facilities should be made available for assignment to individuals or groups within the University community, even though not formally organized; but preference may be given to programs designed for audiences consisting primarily of members of the university community.

Commentary. Allocation of space should be made on the basis of time, priority of requests and the demonstrated needs of the individual, group, or organization. The assignment function may be delegated to an administrative official or to a student committee on organizations.

Physical abuse of assigned facilities may result in limitation of future allocation of space to offending parties. Charges may be imposed for damage or any unusual costs for use of facilities.

The individual, group, or organization requesting space may be required to state the general purpose of any meeting open to persons other than members and the names of outside speakers invited for any meeting. If it is anticipated that the audience for any meeting will consist primarily of persons outside the university community, or if any charge or collection of funds is contemplated, advance permission from the party given authority to make space allocations may be required."

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STUDENT ORGANIZATIONS - GUEST SPEAKERS

Guest Speakers. Recognized student organizations may invite guest lecturers, panel participants, discussion leaders or others from off-campus to speak or otherwise participate in campus programs, provided such programs are registered with the Office of Student Affairs at least one week in advance. Registration forms are available in the Office of Student Activities and must be signed by the president of the sponsoring student organization. No arrangements with guest speakers should be made by the sponsoring organization until registration has been completed. In the event the speaker or the issues are controversial, the Office of Student Affairs may require the sponsoring organization (a) to secure a tenured member of the faculty to chair the program and (b) to provide for the speaker to be subjected to questions from the audience at sometime during the program.

University of Iowa

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Student organizations may invite speakers of their choosing. They should consult with a responsible representative of the College, such as the Dean or faculty adviser of the organization, to insure that there is orderly scheduling of the facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to the academic community. While students are expected to follow procedures prescribed by the College with respect to requesting facilities for their programs, the College shall not use its control of facilities as a device for censorship. The College has affirmed that faculty members and students shall enjoy freedom in their teaching, learning and research. Speakers are brought to campus to allow consideration of a wide range of opinions in a forum of free inquiry and the appearance of a speaker on campus in no way indicates agreement with his views or endorsement of his position.

Lafayette College

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"....b. On April 22, 1965, there was a rally at which the issue of Free Speech was raised in connection with a denial of the University of a request by a University recognized student group (Students for Liberal Action) that Herbert Aptheker, member of the Executive Committee, Communist Party USA, be permitted to speak on the campus.

c. On May 7, 1965, at a rally held by the Free Speech Front (a non-recognized student organization) on the University campus Oval, the leader of FSF stated that the FSF organization was making "an assurance" to the University that Herbert Aptheker would speak on the O. S. U. campus before the end of the month of May and that they hoped that the Board of Trustees would make it possible for him to speak by changing the rule, but that if the Board did not make this possible they would bring Herbert Aptheker to the campus regardless, in violation of this rule.
After this public "assurance" by the leadership of FSF that they would bring the speaker to the campus in violation of University rules, the student leaders of FSF were informed by the President of the University, that because such an appearance would be clearly a violation of University rules, any student responsible for his appearance would be subject to disciplinary action, which could result in a penalty as serious as an immediate dismissal from the University.

d. On May 21, 1965, a rally was held on the Oval by FSF at 4:00 p.m. Herbert Aptheker appeared on the speaker's platform but did not speak. Excerpts from the writings of Aptheker were read by a student member of the FSF."

Ohio State University

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[Note:- The following is from "Administrator's Handbook" prepared by the editors of "College and University Business."]

"....2. Students should be allowed to invite and to hear any person of their own choosing. Those routine procedures required by an institution before a guest speaker is invited to appear on campus should be designed only to insure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The institutional control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution."

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STUDENT ORGANIZATIONS - POSTERS AND DISTRIBUTION OF PRINTED MATTER

Posters. Recognized student organizations are permitted to advertise and publicize forthcoming campus activities or events by means of posters, banners, and other displays on University bulletin boards and elsewhere on campus as authorized by the Director of Space Assignment and Utilization, provided all such posters, banners, and displays must be approved in advance by the Office of Space Assignment and Utilization. Posters and other displays to be posted on campus bulletin boards may not exceed 11 x 14 inches in size. The name of the organization sponsoring a campus activity or event must appear on every display, and no advertising or publicizing of any commercial product or trade name is permitted. For further information, students may consult the Office of Space Assignment and Utilization, 102 University Hall.

University of Iowa

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" DISTRIBUTION OF PRINTED MATTER "

Only with the approval of the Dean's Office on at least twenty-four hours' notice may permission be granted to a student organization or a group of students to distribute printed matter in College buildings.

Harvard College

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STUDENT ORGANIZATIONS - ENFORCEMENT OF REGULATIONS

Enforcement. Any recognized student organization which violates any University rule, regulation or policy shall be subject to disciplinary action in accordance with established procedures, which may result in the loss or suspension of recognition or the imposition of other sanctions.

University of Iowa

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HOUSING - REPORTING CORRECT ADDRESS

Reporting Correct Address. Each student is required to report his correct address at the time of registration each semester or session. This reported address must be the student's actual place of residence. Any change of residence made during the semester or session must be reported within three days to the Registrar's Office. Failure or refusal to comply with this regulation is cause for cancellation of registration.

University of Iowa

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A student must notify the Dean's Office immediately of any change in address.

Harvard College

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HOUSING - APPROVAL

"....2. Approved Housing. Single, undergraduate students who will not be twenty-one years of age on or before the last day of the semester are required to live in housing approved by the University or in parental homes. University approved housing includes University residence halls, social fraternity and sorority chapter houses, and approved rooming houses. Students subject to the approved housing regulation are responsible for determining that their housing is approved. Failure or refusal to comply with this regulation is cause for cancellation of registration.

3. Special Permission to Live in Unapproved Housing. Application for special permission to live in unapproved housing must be made in person at the Off-Campus Housing Office, 106 University Hall, prior to the beginning of the semester or session. Single, undergraduate students under twenty-one, upon application, may be given special permission to live in unapproved housing for the following reasons:

1. Living with adult relatives
2. Medical necessity
3. Religious necessity
4. Work situations in which the students receive at least one-half of the monthly rent in exchange for services

4. Conditions for Approval of Off-Campus Housing. Approval of any off-campus housing located within the postal territory of Iowa City or Coralville will be granted by the Office of Student Affairs upon the following conditions:

(a) premises found to satisfy University health and safety standards; (b) lessor agrees in writing to comply with University policy on fair housing practices; (c) lessor agrees to enforce all applicable University rules and regulations regarding students conduct, housing, and hours; and (d) adequate adult supervision is provided. A listing of all housing which has been approved is available to students in the Office of Off-Campus Housing, 106 University Hall."

University of Iowa

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No student resident in the Houses or College dormitories may rent or lease, or in any other way acquire, a room, an apartment, or other form of accommodation for his own use without special permission of the Dean.

No person not a member of the University may be lodged in a dormitory or a House without permission of the Proctor, the Master, or the Dean.

Harvard College

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STUDENT "PRIVACY"

"The following three excerpts reveal quite different viewpoints, interpretations and intent:-

1. Every student is responsible for the maintenance of good order and reasonable quiet in his room. A noisy or disorderly occupant of a room in a dormitory under University supervision may be dismissed from the building and barred from residence in any other dormitory. He is also liable to disciplinary action by the Administrative Board.

2. Students shall at all times show proper regard for others in the use of radios and musical instruments. Except between one and ten P.M., radios and phonographs shall be adjusted so as not to be heard in any neighboring room, no other musical instrument shall be played, and no singing shall be allowed. No boisterous music or playing upon drums or other harsh instruments shall be allowed at any time.

3. No student may keep an animal, bird, or reptile in a College building."

Harvard College

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"....III. STUDENT RECORDS

The transcript in the Registrar's Office is the official record of the student's academic standing. It contains his grades, notations on his status, honors and awards, and a record of any institutional action, such as probation, suspension or expulsion for academic or disciplinary reasons, which affect his eligibility to re-register at the College.

The transcript may be examined by the student at any time in the Office of the Registrar or of the Dean and in the presence of an authorized officer of administration. Copies may be issued to officers of the College who are concerned with the student's academic standing and, upon written request of the student, to persons or organizations outside Lafayette College.

Student records in the Dean's Office include application for admission, copies of correspondence, records of interviews and other materials which may be useful in advising the student. These records are confidential.

The Deans, other administrative officers and faculty members are asked from time to time to evaluate students and alumni in connection with application for employment, admission to graduate and professional schools, or for other reasons. Persons who provide such statements are responsible to the recipient and to the subject equally, to be scrupulously honest and fair in their judgments. The listing of an office or officer of the College as a reference is regarded as authorization to furnish a full and frank evaluation including personal characteristics."

Lafayette College

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[Note:- The following is from "Proposed Codes with Commentary:- Student Conduct and Discipline Proceedings in a University Setting", published August, 1968 by the New York University School of Law. It is the product of a "Research Seminar on Student Conduct" composed of sixteen students and four faculty members.]

"....7. Privacy Rights. The university must protect the interest of its students in preservation of the right of privacy.

Commentary. In the increasingly complex and urbanized world of today privacy rights are valued ever more highly as they become ever more elusive. The problem is especially acute in educational institutions where most students willingly accede to the pressures of conformity while the few who reject the uniformity of the academic community, whether in terms of ideology or appearance, are sometimes singled out for official disapproval. Hopefully, it is not too late to restore the traditional academic respect for differences of ideas and manner. Respect should be assured for the right of the individual to immerse himself in the lonely pursuit of intellectual or scientific inquiry without regard to where it may lead. There is, after all, something to be said in favor of the isolation --the privacy -- of the ivory tower.

a. Matters of Private Morality. The university should not regard itself as the arbiter or the enforcer of the morals of its students. Accordingly, it should not inquire into the activities of its students away from the campus where their behavior is subject to regulation and control by the public authorities. Social morality on campus not in violation of law should be of no concern to the university.

Commentary. The privacy right cuts two ways. While the right of the nonconformist should be protected under the privacy umbrella, other individuals who define their privacy in terms of freedom from undue residence hall disturbance, for example, also deserve protection. The principal point is that actions in private that do not violate the law and do not intrude on the rights of others should be guaranteed against official intrusion.

b. Entry into and Search of Residence Hall Rooms. The right of privacy for students in residence hall living is a value that must be protected. The following principles are relevant:

(1). Nothing in the university relationship or residence hall contract should expressly or impliedly give the university or residence hall officials the authority to consent to a search of a student's room by police or other government officials.

Commentary. Acting as a private landlord or hotel keeper the university has no general authority to consent to a police search without a warrant authorized by law. Chapman v. United States, 365 U.S. 610 (1960); Stoner v. California, 376 U.S. 473 (1963). This is true even in a hotel in which a key is retained by the clerk with an implied authority for maids, janitors, and repairmen to enter. Stoner v. California, supra. A lessor is not regarded as the agent of the occupant for the purpose of giving consent to a police search unless the agency is clearly shown. Klee v. United States, 53 F.2d 58 (9th Cir. 1931). More recently the Supreme Court has applied the same principle to administrative searches, restricting the entry of building or fire inspectors (in nonemergency situations) without a search warrant in the absence of consent by the occupant. Camara v. Municipal Court, 387 U.S. 523 (1967); See v. Seattle, 387 U.S. 541 (1967).

The foregoing principles of general constitutional doctrine provide an appropriate model for the university as landlord in relation to nonuniversity officials. It would scarcely be in keeping with the Camara and See decisions, supra, for the university as landlord to curtail student rights by imposing a clause giving the owner rather than the occupant the authority to consent to governmental searches. Even if there are legitimate educational interests that justify unconsented access to residence hall rooms by the university itself (see paragraph (2) below), it does not at all follow that any educational purpose would be served by allowing the university, in the absence of an emergency, to consent to a police or administrative search without a warrant.

(2) Where the university or its representative seeks access to a student room to determine compliance or not with the provisions of applicable law relating to multiple dwelling units, the occupant should be notified of such planned entry not less than twenty-four hours in advance, and the occupant should be permitted to be present. Where entry is sought to make improvement or repairs, notice should be given the occupant not less than seven days in advance. In emergency circumstances where imminent danger to life, safety, health, or property is reasonably feared, entry should be allowed without advance notice. In all cases involving suspected violation of residence hall regulations, entry should be permitted only upon the securing of an administrative warrant from the body in that hall responsible for the adjudication of violations of its regulations.

"........Information about student views, beliefs, and political associations acquired by professors in the course of their work as instructors and advisers is confidential and must not be disclosed to others. Ordinarily, however, questions relating to intellectual or skills capacity do not threaten the right of academic privacy.

----c. Confidentiality of Records. Respect must be accorded the essentially confidential relationship between the university and its students by preserving to the maximum extent possible the privacy of all records relating to each student. Controlling principles are listed below.

> Commentary. Academic freedom and privacy rights intersect and reinforce each other in the sensitive area of academic recordkeeping and in the determination of what information may be disclosed within and outside the academic community. The professional relation between teacher and student, somewhat like that between lawyer and client or physician and patient, presupposes, at least within certain limits, privacy of communication. Similarly, the relation between the university and its students presupposes that records will be kept only of matters relevant to the educational process and that even those minimal records will not be disclosed except with the student's consent or in carefully circumscribed

instances based upon clearly defined policy.

(1). The official student academic record, supporting documents, and other student files are confidential. They are to be maintained only by full-time members of the university staff employed for that purpose.

(2). Separate files shall be maintained, as follows:

(a). Academic records, supporting documents, and general educational records.

(b). Records of discipline proceedings.

(c). Medical and psychiatric records.

(d). Financial aid records.

(3). No entry shall be made on a student's academic record, and no document shall be placed in a student's file without actual notice to the student. Publication of grades and announcement of honors shall be deemed actual notice. Any student wishing to challenge the accuracy of any entry in his record or the presence of any item in his file may bring the equivalent of an equitable action against the appropriate administrator before the judicial body to which the student would be responsible if charged with violation of university regulations.

(4). Each student shall have access to his records and files subject only to reasonable regulation as to time, place, and supervision.

(5). Information relating in any way to any of the following categories is not relevant to the educational process. Accordingly, no record shall be made in relation to any such matter except upon the express written request of the student in question.

(a). Race.

(b). Religion.

(c). Political or social views.

(d). Membership in any organization other than honorary and professional organizations directly related to the educational process.

(6). Except with the prior written consent of the student concerned, or as stated below, no information in any student file may be released to any individual or organization.

(a). Record-keeping personnel may have access to student records and files only as stated in paragraph (1) above.

(b). Members of the faculty with administrative assignments may have access to records and files for internal educational purposes, as well as for routinely necessary administrative and statistical purposes. Access to financial, medical, and disciplinary records is limited to the officials responsible for those matter. No one having access under this paragraph may disclose information beyond that listed in (c) or (d) below.

(c). The following information may be given any inquirer, and is the only information to be released in response to a telephone inquiry: (i) school or division of enrollment; (ii) periods of enrollment; and (iii) degree awarded, honors, major field, and date. In addition to the above, a student's address, telephone number, date of birth, and signature may be confirmed if the inquiry is made in person or by mail. Different or further information may not be given in the event that the inquirer's information is incomplete or incorrect.

(d). Properly identified officials from federal, state, and local agencies may be given the following information if expressly requested: (i) school or division of enrollment; (ii) periods of enrollment; (iii) degree awarded, honors, major field, and date; (iv) nature of academic record in general, i.e., excellent, good, fair (not specific grades); (v) address; (vi) verification of signature; and (vii) name and address of parent or guardian.

(e). Under no circumstances may any person making an inquiry be given personal access to any student file.

(7). No record shall be preserved beyond graduation or other final departure from the university of any student except as follows:

(a). The academic record may be retained subject to the limitations on disclosure above stated.

(b). Financial records may be retained so long as any obligation to the university continues.

(c). Medical and psychiatric records may be retained subject to the limitations on disclosure imposed by the normal rules for privileged information."

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[Note: - The following is from "Administrator's Handbook" published by the Editors of "College and University Business.":-]

"... . c. Protection Against Improper Disclosure. Information about student views, beliefs, and political associations which professors acquire in the course of their work as instuctors, advisers and counselors should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student.

III. Student Records

Institutions should have a carefully considered policy as to the information which should be part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records should be separate, and the conditions of access to each should be set forth in an explicit policy statement. Transcripts of academic records should contain only information about academic status. Information from disciplinary or counseling files should not be available to unauthorized persons on campus or to any person off campus without the express consent of the student involved, except under legal compulsion or in cases where the safety of persons or property is involved. No records should be kept which reflect the political activities or beliefs of students. Provisions should also be made for periodic routine destruction of noncurrent disciplinary records. Administrative staff and faculty members should respect confidential information about students which they acquire in the course of their work."

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GROUPS ENCOMPASSED BY THE STUDENT CODE

The Graduate School

".... Recommendation XXVIII: Relationship of the Graduate School to the University Council on Student Affairs

We recommend that the relationship of the Graduate School to the proposed University Council on Student Affairs be a matter of continuing study.

Supplementary Explanation:

While Recommendations I through XV are applicable to graduate students, we are uncertain as to what would constitute the best machinery and procedures for making and enforcing graduate student conduct rules. The Graduate School is in a period of transition as it grows in enrollment and as the residential Graduate Center rises. As the lines of development and possible problems become clearer, it may be desirable to make adjustments. For now we are convinced that the simplest and most practical solution is to relate The Graduate School to the University Council on Student Affairs as specified in Recommendation I."

Advisory Committee on Student Conduct
Brown University

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These general conduct regulations are applicable to all students attending the University of Iowa, including undergraduate, graduate, professional and part-time students, continuously at all times, whether or not the University is in session, from the date of their initial registration at the University for as long as they are students, regardless of whether or not they are currently registered at the University.

University of Iowa

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The above policy and procedure, approved in November of 1967 by University officials, applies without exception to all schools of St. Louis University.

St. Louis University

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"ANY OTHER REGULATION" (OR FUTURE REGULATION OR AMENDMENTS TO THE CODE)

".... 16. Violation of any other regulation contained in the Code of Student Life or any other rule, regulation, or policy which may be promulgated by the President of the University, or his authorized representative, by any college, department, dormitory, office, or other facility within the scope of its authority, or by the State Board of Regents, provided such rules, regulations, or policies were published, posted, or otherwise adequately publicized or the student had actual knowledge thereof. All provisions contained in University residence halls contracts which pertain to personal conduct shall be deemed rules subject to this regulation with respect to all dormitory residents.

17. Any other conduct or action which adversely affects the educational processes or other functions or operations of the University or unduly interferes with the rights of other members of the University community, or which demonstrates a student's lack of fitness as a member of the academic community, provided that any conduct engaged in or action taken by a student anywhere, on or off campus, and whether or not such particular conduct or action is related to any University interest, is relevant and shall be considered in determining a student's fitness as a member of the academic community.

The Code may be amended at any time by authority of the President of the University. Amendments are effective as of the beginning of the semester in which they are first published in the Code of Student Life, provided that if the President deems an amendment of immediate importance it shall be effective from and after publication in The Daily Iowan (which will be conclusively presumed is adequate notice to all students)."

University of Iowa

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"....6. Violation of university established policies or regulations, including regulations in "Information for Students," the "Faculty Handbook" and other publications pertaining to student organizations, student, faculty, administrative staff, non-academic employees and visitors conduct, the use of university facilities, or procedures concerning the time, place and manner of public expression;

7. Violation of rules governing residence in university owned or controlled property;...."

Ohio University

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"IGNORANCE OF THE LAW ... " (AND PUBLICATION AND AVAILABILITY OF THE CODE)

Every student is held responsible for knowledge of the regulations and information contained in this pamphlet. If a student has doubt about the interpretation of a rule or if he wishes to have an exception made, he should consult his Allston Burr Senior Tutor or, if he is a Freshman, the Dean of Freshmen. Students should also read carefully the pamphlet entitled "Rules Relating to College Studies."

Harvard College

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"It is the duty and responsibility of all students to acquaint themselves with these general conduct regulations and with the other rules and regulations pertaining to personal conduct contained in the Code of Student Life, and every student will be conclusively presumed to have knowledge of such rules and regulations from the date of his initial registration at the University."

"....A full and complete text of all such general rules and regulations of personal conduct currently in effect, including all amendments, shall be on file in the Office of Student Affairs at all times and shall be available for inspection by students. The Office of Student Affairs shall also be responsible for making available to students copies of all amendments deemed of immediate importance and for distributing copies of such amendments to all housing units, affected student organizations, and otherwise as the Dean of Students deems appropriate, provided that failure to make such distribution shall not affect the effectiveness of such amendments."

University of Iowa

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It is further resolved, that copies of this Resolution be made known to the University community and to the public. DATED, this 14th of May, 1968.

Northwestern University

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STUDENT CONDUCT RE FEDERAL AND STATE LAWS AND CITY ORDINANCES

The University recognizes its responsibility to the community for student conduct. When a student has been apprehended for the violation of a law of the community, the state, or the nation, the University will not request or agree to special consideration for the student because of his status as a student. The University will cooperate fully with law enforcement agencies for enforcement of the law and with all agencies for the rehabilitation of the student.

Brigham Young University

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".... Recommendation XI: The University and the Law: Assistance to Students

We recommend that, in situations where a student allegedly violates the civil or the criminal law, the University make its assistance available on an informal basis. Assistance may be provided the student if it seems desirable and where it is not rejected by the student involved.

Supplementary Explanation:

Although we reject the idea that the University should act as a surrogate parent toward its students, we believe it entirely appropriate and desirable for the University to be generally available to assist its students in situations where such assistance is desired by those involved.

Recommendation XII: The University and the Law: Civil Prosecutions and University Discipline

We recommend the following in cases where a student has been prosecuted or convicted in the civil courts for an alleged offense: Only where the extraordinary circumstances of a case suggest that the individual's behavior might be disruptive to the life of the University community should the student face a possible sanction of suspension or dismissal. It should be understood that (a) the student will have the benefit of the disciplinary procedures specified in Recommendations I and IV, that (b) in no circumstances will a student be charged for violating anything other than a specific University rule or rules, and that (c) in no circumstances will a student be subjected to potential University discipline as a consequence of clearly political activities that may result in violations of the civil law.

Supplementary Explanation:

As explained in the discussion of the so-called "double jeopardy" issue (see pp. 11-12), our primary concern is with the well-being of the University community. It is improper and unnecessary for a university to attempt to duplicate the law enforcement functions of the civil state. It is not, however, inappropriate for a university to initiate potential disciplinary sanctions in those, hopefully rare, cases where a student's behavior, which makes him liable to the civil authorities also casts doubt on his fitness as a member of the University community. We are thinking, for example, of such situations as those in which a student may have engaged in the selling of drugs or may have physically and seriously assaulted a professor or another student.

In this connection it may be appropriate to call attention to two passages in a pamphlet, "Academic Freedom and Civil Liberties of Students in Colleges and Universities," published in 1965 and distributed by the American Civil Liberties Union, an organization dedicated to individual rights and, of late, very much concerned with the fair treatment of students in disciplinary cases. In section V of the pamphlet, which discusses the subject of students as private citizens in their non-academic and off-campus activities, there appear these statements:

> The student, like the teacher, is a member not only of an academic community, but of the community at large and of other specific communities. His college must regard him as both a student and a private individual. It must recognize that his being a student is sometimes irrelevant to his private status. In this private status he should not be subject to punitive measures by the college, *unless the college can prove (in the course of a hearing with due process safeguards as specified in IV) that he has acted in a way which adversely affects or seriously interferes with its normal educational function, or which injures or endangers the welfare of any of its other members*. (p. 7) (Emphasis added.)
>
> Since not every conviction under law is for an offense with which an educational institution must concern itself, it is incumbent on the college to refrain from administrative decision which would violate the students' academic freedom. (p. 7)

These statements, with which we substantially agree, recognize that, while being a student is sometimes irrelevant to the student's private status, it is sometimes relevant. They further recognize that universities may properly impose disciplinary sanctions in cases where the student's behavior as a "private" citizen "adversely affects or seriously interferes with its normal educational function, or which injures or endangers the welfare of any of its other members." The statements also recognize that, while not "every conviction under law is for an offense with which an educational institution must concern itself," some convictions under law may be for offenses with which an educational institution must concern itself.

In our view, university students should not be subjected to disciplinary proceedings as a consequence of political activities that may violate civil laws. If a student, for example, is willing to risk a jail term for a political act of civil disobedience or to risk a fine or jail term for a political act challenging a civil law, which might ultimately be declared unconstitutional in the appellate courts, there is no need for a university to intervene. Brown University, of course, has no such student conduct rules, and they would in any event be precluded by its Statement on Academic Freedom.

It should be noted, finally, that the reference in Recommendation XII to "political activities" is not intended to immunize all actions which an offending student might wish to denominate as "political." For example, we do not mean that a student who distributes drugs or who assaults a professor can claim immunity from potential University discipline on the ground that such actions were intended as "political" gestures of protest against the nation's drug and narcotic laws or against the professor's views.

We are confident that, if disputed cases arise, the proposed University Council on Student Affairs will be able to work out fair and reasonable interpretations of this recommendation."

Advisory Committee on Student Conduct
Brown University

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Students are expected to obey the laws of the United States and of the State of Iowa and the ordinances of the City of Iowa City as they relate to personal conduct, and violation of any such laws or ordinances in which the University has an independent institutional interest shall be deemed a violation of these student conduct regulations. Evidence of previous criminal convictions for misconduct involving University interests may be considered in determining the sanction to be imposed in any subsequent disciplinary proceeding involving the student, notwithstanding that no disciplinary proceedings were undertaken by the University for such previous misconduct.

The University of Iowa

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RELATIONSHIP OF UNIVERSITY DISCIPLINARY ACTIONS TO PENDING CIVIL OR CRIMINAL PROCEEDINGS

As stated previously in Chapter III, we reserve the right to take University disciplinary action in addition to the determination of civil or criminal proceedings. If the student has pleaded not guilty in the civil proceedings, we will wait until his guilt or innocence has been determined before holding our University disciplinary hearing. If, however, he has pleaded guilty, we will proceed immediately with our University disciplinary hearing. If in addition to violating a specific law, the student has in the process violated a University regulation we will proceed with our disciplinary action upon the violation of the University regulation. If, regardless of his plea in court, the student voluntarily admits to us his guilt, we will proceed immediately with our disciplinary process provided. Suggest the following qualifying phrase be added, "provided there is absolute assurance that University disciplinary action will not prejudice his standing in court."

CIRCUMSTANCES UNDER WHICH THE UNIVERSITY WOULD SIGN A COMPLAINT AGAINST ONE OF ITS OWN STUDENTS

In general, in those situations where the student's conduct on campus constitutes a violation of the criminal code of the State of Ohio, criminal charges could be filed against the student by the University Campus Police Department. Normally, in the absence of some aggravating circumstance, (and where other University resources such as disciplinary action could be expected to adequately control the problem) criminal charges are not filed, even though legally such charges could be filed.

In no instance of off-campus misconduct by a student would the University file charges against one of its own students.

In the event of student protest activity on campus that constitutes an interruption, obstruction, or significant interference with the educational goals and regular operation of the University, arrests of all participants would be effected. The appropriate criminal charge would be filed against all participants by the arresting officers, who would either be University police officers or other law enforcement agency (State Highway Patrol or City Police), that had been called on to assist the University in controlling such disturbance.

.... The Faculty requests the Executive Committee to make arrangements to provide legal assistance to students proceeded against in university disciplinary proceedings for violations of University regulations who seek such assistance.

Ohio State University

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".... 5. The University is not an arm of the law, nor does it see every law as right and sound, but it will not take an in loco parentis stance and shield students from the consequences of law violations;...."

Wesleyan University

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[Note:- The following is from "Proposed Codes with Commentary:- Student Conduct and Discipline Proceedings in a University Setting", published August, 1968 by the New York University School of Law. It is the product of a "Research Seminar on Student Conduct" composed of sixteen students and four faculty members.]

"6. Violation of Law and University Discipline. If a university student is charged with an off-campus violation of law, the matter should be of no disciplinary concern to the university unless the student is incarcerated and unable to comply with academic requirements.

If the violation of law occurs on campus and is also a violation of a published university regulation, the university may institute its own proceedings against the offender if the university interest involved is clearly distinct from that of the community outside the university.

Commentary. Where students are accused of causing damage to property or inflicting injury to persons off campus, whether in collegiate exuberance or as part of a calculated plan of criminal conduct, the university has not proper concern beyond assuring fair treatment for the offender and providing assistance in the securing of counsel or bail where necessary. But no university disciplinary action for the criminal act is appropriate unless, in the remarkable exception, legitimate university interests are implicated.

Student conduct on campus subject to university discipline may also be a violation of law. The duality of violation is technically irrelevant to the right of the university to apply its own discipline procedures. For the university and civil authorities to impose concurrent sanctions upon such conduct is not double jeopardy in the constitutional sense, nor does it necessarily offend any popular sense of fair play. For example, theft of property in a university residence hall might involve dismissal from the hall, perhaps dismissal from the university, and a criminal penalty as well. However, the university should in no case proceed with a university sanction that in fact or appearance duplicates punishment for the same offense. Unless the interests of the university are implicated in some separate way by the violation of law, prosecution by the civil authorities should ordinarily suffice.

Thus, the likelihood of criminal penalties, even though not necessarily determinative of the university's right to impose its own sanctions, may well persuade the university not to impose punishment within the university community as well. The following guidelines are suggested:

a. Ordinarily, the university should not impose sanctions if public prosecution of a student is anticipated or after law enforcement officials have disposed of the case.

b. Exceptionally, the university may impose sanctions for grave misconduct demonstrating flagrant disregard for the rights of others. Such conduct calls into question the student's membership in the educational community, either because he has grossly violated elementary standards of behavior requisite to the maintenance of the educational community or because his continued presence would adversely affect the ability of others to pursue their educational goals.

c. Where a student is charged with violation of law because of activities on or off campus, university officials should apprise the student of sources of legal counsel."

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[Note:-The following is from "Administrator's Handbook" published by the editors of "College and University Business":]

"....B. Institutional Authority and Civil Penalties. Activities of students may upon occasion result in violation of law. In such cases institutional officials should be prepared to apprise students of sources of legal counsel and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved should the special authority of the institution be asserted. The student who incidentally violates institutional regulations in the course of his off-campus activity, such as those relating to class attendance, should be subject to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure. "

STATE LEGISLATION SPECIFICALLY COVERING STUDENTS' DISRUPTIVE ACTIVITIES

(The State of Ohio)
To amend section 3345.021 of the Revised Code
relative to the powers of the board of trustees
of a state supported college or university.

"Be it enacted by the General Assembly of the State of Ohio:

Section 1. That section 3345.021 of the Revised Code be amended to read as follows:

Section 3345.021. The board of trustees of any college or university, which receives any state funds in support thereof, shall have full power and authority to maintain law and order on the campus of such college or university and to to regulate activities involving the use of the facilities and grounds of such college or university. The facilities and grounds of any college or university shall be devoted to the pursuit of the educational objectives and programs of the college or university.

Such power shall include but shall not be limited to the authority to withhold the use of the facilities or grounds of any such college or university for meetings or demonstrations by organizations or groups not officially recognized by the board of trustees of such college or university as having an integral relationship to the educational objectives and programs of the college or university. Such power shall also include but not be limited to the authority to withhold use of the facilities or grounds of any such college or university for meetings or speaking purposes from persons who are members of the communist party, persons who advocate or persons who hold membership in or support organizations which advocate the overthrow of the government of the United States and its free institutions by force or violence or whose presence is not conducive to high ethical and moral standards or the primary educational purposes and orderly conduct of the educational functions of the institution.

The board of trustees of any such college or university may delegate the authority to prepare rules and regulations for the maintenance of law and order on a campus and for the use of the facilities and grounds of the college or university to an administrative council or to any other appropriate body, and may delegate to an administrative officer the authority to enforce such rules. The board of trustees of any such college or university may authorize the administrative officer to utilize the special policemen as provided for in Section 3345.04 of the Revised Code to assist in the enforcement of this provision of law, and when necessary to seek the assistance of other appropriate law enforcement officers. The board of trustees of any such college or university may provide by due process for the suspension or expulsion of students or of staff members who make unauthorized use of campus facilities and grounds for the purpose of incitement to riot or for the purpose of disruption of the educational functions of the college or university.

The purpose of this section shall not be to abridge the freedom of speech or the right of peaceful assembly or the right of petition for a redress of grievances on the part of persons who comprise the student body or the staff of any such college or university. The purpose of this section shall be to assert the primary importance and integrity of the educational functions of a college or university and to maintain proper procedures in an atmosphere of law and order for the pursuit of those educational functions."